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TRANSACTIONS

OF THE

NATIONAL ASSOCIATION

FOR THE

PROMOTION OF SOCIAL SCIENCE.

LONDON:
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OF THE

NATIONAL ASSOCIATION

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LONDON MEETING, 1862.

EDITED BY

GEORGE W. HASTINGS, LL.B.,

GENERAL SECRETARY OF THE ASSOCIATION.

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Fortescue, Hon. Dudley Francis, M.P.
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Hastings, George W., Esq.
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Hoskyns, C. W., Esq.
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* For constitution of Council, see Law XVI. p. xxx.

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Smith, J. B., Esq., M.P.
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Taylor, Lieut.-Colonel T. E., M.P.
Tennent, Sir J. Emerson.
Tite, William, Esq., F.R.S., M.P.
Turner, Rev. Sydney.
Twining, Thomas, Esq.
Twiss, Travers, Esq., Q.C., D.C.L.

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Winnington, Sir Thos. E., Bart., M.P.
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Wood, Western, Esq., M.P.

Yorke, Hon. and Rev. Grantham.

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Gurney, Russell, Esq., Q.C.
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Hodgkin, John, Esq.
Macqueen, J. F., Esq., Q.C.
Morris, John, Esq.
Reilly, F. S., Esq.
Stephens, A. J., Esq., Q.C., LL.D.
Vaughan, James, Esq.
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Chester, Harry, Esq.
Gunnery, Rev. Reginald.
Hereford, Very Rev. Dean of.
Lonsdale, Rev. J. G.
Oldfield, Colonel.
Reynolds, J. S., Esq.
Scott, Rev. John.
Shields, W. A., Esq.
Tufnell, E. Carlton, Esq.

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Clay, Rev. W. H.
Crofton, Sir Walter, C.B.
Fish, Rev. Ishmael.
Jebb, Sir Joshua, K.C.B.
Kynnersley, T. C. S., Esq.
Lentaigne, John, Esq.
Macgregor, John, Esq.
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Kerr, W. W., Esq.
Lamport, James W., Esq.
Ludlow, J. M., Esq.
Macfie, R. A., Esq.
Valpy, Richard, Esq.
Wendt, E. E., Esq.

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Society for Promoting the Employment of Women	R. Monckton Milnes, Esq., M.P.
Statistical and Social Inquiry Society of Ireland	W. Neilson Hancock, Esq., LL.D.
Statistical Society	William Newmarch, Esq., F.R.S.
Incorporated Law Society	The President of the Society.
Institute of Accountants, Glasgow	James McClelland, Sen., Esq.
Chambers of Commerce:—	
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Dewsbury	Edward Day, Esq.
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Markham, W. O., Esq., M.D.
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* For constitution of Executive Committee, see Law XVII., p. xxxi.

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Vice-Chairman of the Finance Committee.

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Earl Fortescue.
Earl Ducie.
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Bishop of London.
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THE LAWS OF THE ASSOCIATION,

Passed at the SIXTH ANNUAL MEETING, *June 13th,* 1862.

I. The object of the Association is to aid the development of Social Science.

II. The Association comprises Six Departments: the first, for Jurisprudence; the second, for Education; the third, for Prevention of Crime, and the Punishment and Reformation of Criminals; the fourth, for Public Health; the fifth, for Social Economy; and the sixth, for Trade and International Law.

III. The Association consists of Ordinary Members, Corporate Members, Foreign Corresponding Members, and of Associates.

IV. Any person who pays an Annual Subscription of One Guinea, or a Life Subscription of Ten Guineas, to the Funds of the Association, is an Ordinary Member.

V. Any Public Body paying to the Funds of the Association an Annual Subscription of Two Guineas, is a Corporate Member.

VI. Foreign Corresponding Members are elected by the Council, the numbers of such Members being limited by Bye-law.

VII. Any person who pays Ten Shillings to the Funds of the Association, is an Associate for the year: that is, till the 1st of August following such payment.

VIII. Foreign Corresponding Members are exempt from payment.

IX. Every Ordinary Member has the privileges of attending and voting at all the Meetings of the Association, of being eligible to any of its offices, and of receiving gratuitously its *Transactions.*

X. Every Corporate Member receives gratuitously a copy of the *Transactions,* and may nominate two representatives to attend the Meetings of the Association; and such representatives have the privileges of Associates.

XI. Every Foreign Corresponding Member has all the privileges of an Ordinary Member except that of eligibility to the Council.

XII. Every Associate has the privileges of an Ordinary Member,

except those of eligibility to the Council, and of receiving gratuitously the publications of the Association.

XIII. The Annual Subscription is payable in advance on the 1st day of August in each year.

XIV. The Association has a President, Vice-Presidents, Presidents and Vice-Presidents of Departments, a General Secretary, a Treasurer, a Foreign Secretary, and Secretaries of Departments, who are annually elected, and hold office until the appointments of the following year are made.

XV. The Association is governed by a Council, and by an Executive Committee subject to the directions of the Council.

XVI. The Council consists of the following persons :—

1. The President, Vice-Presidents, Presidents and Vice-Presidents of Departments, General Secretary, Treasurer, Foreign Secretary, and Secretaries of Departments.

2. Every Member who has filled the office of President or President of Department, or who has filled for two years the office of General Secretary, Treasurer, Foreign Secretary, or Secretary of Department.

3. Every Member who, up to the 31st of July, 1862, has served for three years as a Member of Council.

4. Every Member of either House of Parliament who is also a Member of the Association.

5. Such Members, not exceeding Ten in each Department, as shall be annually nominated by the Committee of each Department.

6. Such Representatives of any Branch or Local Association, not exceeding two, as may be nominated from time to time by such Branch or Local Association.

7. Such Representative of any Society existing in connexion with the Association as may be nominated from time to time by such Society.

8. Such Representative of any learned Society, or Chamber of Commerce, being a Corporate Member of the Association, as may, from time to time, be nominated by such Corporate Member.

9. Such Members as may be nominated by the Association, on the recommendation of the Council, for special services to the Association.

XVII. The Executive Committee consists of the General Secretary, the Treasurer, the Foreign Secretary, one Secretary from each Department, nominated by the Council, and Twelve Members elected annually by the Council.

XVIII. The Council meets at the time of the Annual Meeting of the Association, at three other times during the year, and also when specially summoned by the Executive Committee.

XIX. The Council fixes the time and place of the Annual and other Meetings of the Association, appoints the Officers of the

Association, elects Foreign Corresponding Members, makes a Report to the Annual Meeting, and regulates the policy and proceedings of the Association.

XX. The Executive Committee conducts the business of the Association, subject to the directions of the Council, and during the intervals of its meetings, and reports to the Council thereon. The Committee also reports to the Council on subjects specifically referred to it by that body.

XXI. An Annual Meeting is held in such place, and at such time, as may be appointed by the Council. General Meetings are held in London on days appointed by the Council.

XXII. The General Secretary, on receiving a requisition signed by twenty Members of the Association, summons, within thirty days, a General Meeting of the Association, for the purpose stated in such requisition.

XXIII. The Council appoint a Committee for each Department, and fill up any vacancy occurring during the year in any of the offices named in Law XIV.

XXIV. The Committees of Departments appoint Sub-Committees to consider and report on specific subjects of reference.

XXV. The General Secretary and the Foreign Secretary are, *ex officio*, Members of every Committee and Sub-Committee. The Secretary of each Department is, *ex officio*, a Member of every Committee and Sub-Committee of such Department.

XXVI. The Council, and its Committees, are summoned by the General Secretary; the Committees and Sub-Committees of each Department are summoned by the Secretary of such Department.

XXVII. Every Committee and Sub-Committee may add to its number, unless otherwise ordered at the time of appointment.

XXVIII. At all Meetings of the Association, of the Council, and of Committees, the Chairman has a vote; and if the votes be equal he has also a casting vote.

XXIX. For General Meetings of the Association ten Members, for Council and Executive Committee Meetings five Members, and for Committee and Sub-Committee Meetings, three Members form a quorum.

XXX. The Funds of the Association are kept in the name of the Association at a Banker's. All sums received on account of the Association are paid to the Banker; and all cheques on the Banker are drawn by order of the Council or of the Executive Committee, are signed by the Treasurer, and are counter-signed by the General Secretary.

XXXI. At the Annual Meeting two Auditors, not being Members of the Council, are appointed, on motion, by show of hands, to audit the accounts for the ensuing year.

XXXII. The accounts of the Association are made up to the end of July in each year; and after being duly audited, are appended to the Annual Report of the Council.

XXXIII. Any Member intending to move an alteration in any of the foregoing Laws, must give notice in writing of such intention to the General Secretary, at least one month before the date of the Meeting at which he moves such alteration.

REGULATIONS FOR BRANCH AND LOCAL ASSOCIATIONS.

The Association recognises two classes of Provincial Associations.

I. *Branch Associations*, of which the conditions are—

Their members to be members of the General Association, and to subscribe £1 1*s.* annually, or £10 10*s.* as a life payment.

All the Subscriptions to be paid to the Central Office, but a part to be allowed by the Council towards the expenses of the Branch, in addition to any special grants that may be made.

The Branch Association to elect its own President, Secretary, and other officers.

The Branch Association to elect annually not more than two members of the General Council.

II. *Local Associations*, of which the conditions are—

That the Local Association shall regulate the amount of its own subscriptions, but that every member on whose behalf 10*s.* shall be paid yearly into the general funds of the Association shall have the privilege at his option—

1. Of a copy of the *Transactions.*

2. Of attending the annual meeting of the Association, and of procuring a copy of the *Transactions* at a reduced price, to be annually fixed by the Council.

INCOME AND EXPENDITURE ACCOUNT

*For the year ending 31st July, 1862.**

EXPENDITURE.

	£	s.	d.	£	s.	d.
Grant to London Meeting Fund ...	300	0	0			
Paid to London Meeting Fund from Deposit Account	500	0	0			
				800	0	0
Publishing *Transactions*, of 1861 ...	...			772	14	2
Transactions, 1857, bought ...	...			31	3	6
Rent of Offices	...			125	0	0
Printing	...			73	13	0
Stationery	...			26	6	10
Advertising	...			26	13	0
Delivery of Volumes, Glasgow, 1860	...			7	11	6
Ditto, London, 1861	...			36	11	4
Postage	...			48	0	6
Collector's Commission	...			27	16	0
Grants:—						
General Average Committee ...	52	10	0			
Quarantine Committee	10	0	0			
Gratuity to Clerk	5	0	0			
				67	10	0
Salary of Assistant Secretary ...	...			150	0	0
Travelling Expenses	...			71	7	3
Office Expenses	...			44	3	11
Parliamentary Papers	...			4	12	3
Balance at Banker's...	...			177	0	10
				£2,490	4	1

INCOME.

	£	s.	d.	£	s.	d.
Balance from last year	...			146	1	3
Amount on Deposit	...			500	0	0
Petty Cash Balance	...			0	0	5
Annual Subscriptions received in London, for ... 1859-60	2	2	0			
Ditto ditto 1860-61	9	9	0			
Ditto ditto 1861-62	426	6	0			
Ditto ditto 1862-63	3	3	0			
Life Subscriptions ditto	31	10	0			
				472	10	0
Amount received from Dublin:—						
Members' Subscriptions	402	3	0			
Life ditto	40	19	0			
Surplus from Annual Meeting ...	763	1	0			
				1,206	3	0
Interest on Deposit Account ...	...			17	11	2
Publications sold:—						
Transactions	99	0	9			
Trade Societies Report	48	17	6			
				147	18	3
				£2,490	4	1

I have examined the above account, and compared it with the vouchers, and found it correct.—W. HAWES, *Auditor.*

* The Subscriptions paid at the London Meeting belong to the year commencing on the 1st August, 1862, and are therefore not brought into this account.

INTRODUCTION.

THE Sixth Annual Meeting of the Association was opened in London, on Thursday, the 5th of June, 1862, by a Special Service in Westminster Abbey. The President, Lord Brougham, and many of the members assembled, by the invitation of the Dean of Westminster, in the Jerusalem Chamber, and thence proceeded to the Abbey, where a sermon was preached by the Very Rev. W. F. Hook, D.D., Dean of Chichester.* In the evening, the Association

* The Council were anxious to print the sermon at full length, and it is only omitted in accordance with the express desire of the Dean. The following abstract, which appeared in the *Times* of June 6th, conveys the leading ideas of the discourse. The text was taken from 1 Kings v. 2—8.

"The Dean said he had read this passage at length because it expressed the feeling on which the National Association for the Promotion of Social Science was welcome to the Church, its importance recognised, its merits admitted, and its co-operation courted. By its attendance in that sacred edifice that day the Association asserted its conviction of the important part which Christianity had borne, and continued to bear, on the civilization of the world, and on the promotion of the temporal interests of society. In the present divided state of Christendom the Association was unable, in its corporate capacity, to adopt any particular form of Christianity, or to subscribe to any specific articles of faith. He trusted, however, that the great majority of its members were Christians, although the Association itself might not be able to go further than a declaration of its belief in the general providence of Almighty God. The Association and the Church, then, were in nearly the same relative position as Solomon and Hiram; they could merge differences for a special object, and thus render mutual assistance. The Christian Church was engaged in erecting a living temple, an aggregation of human beings, to the glory of Almighty God. In preparing the stones for this spiritual building the Church required assistance and co-operation, just as of old the temple of Jerusalem was not taken possession of until it was finished by the joint efforts of Solomon and Hiram. So might the Church unite with the Association, though it might contain persons who widely differed from her on doctrinal points, for the purpose of promoting the general welfare of mankind. The Church endeavoured to make the people happy not only in eternity, but in time, and this

assembled in Exeter Hall, when the address was delivered by Lord Brougham, a vote of thanks to his Lordship being moved by Sir John Pakington and Mr. Justice Keating, and carried by acclamation. A deputation from the *Association Internationale des Sciences Sociales* of Brussels, consisting of MM. Corr Vander Maeren and Couvreur,* were introduced by the General Secretary, and M. Corr Vander Maeren read a short address explaining the principles and objects of the International Association, which has been modelled on our own.† A resolution was then carried, on the motion of Mr.

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she could not do unless she had regard to their temporal as well as their spiritual requirements. The preacher denounced that mock philanthropy which, he said, was a prominent characteristic of the day, and which, while it was a marketable commodity, ministered to the ambition of persons who had not the genius to succeed in any other walk of life. To the Association he considered great merit was due for the successful exertions it had made in the improvement of our jurisprudence, for its honest efforts in the repression of crime, for the good it had effected through its sanitary measures, for the light it had thrown on the science of social economy, and generally for its efforts in all that related to the social, moral, and intellectual welfare of the community. He entreated the members to be firm and consistent in their future course. It was not to the humbler classes that they ought to direct their exclusive attention, for if they would ameliorate society they must attack wickedness in high places also. There were noble people among working men who deplored the vices which most easily beset their class, improvidence and intemperance, and they had done much to remove those giant evils. During the last thirty years intoxication had visibly decreased, while the progress of the manufacturing districts during the same period had been marvellous—a circumstance which was mainly attributable to the better understanding which prevailed between the employers and the employed. The working classes would co-operate with the Association, and by their practical wisdom the Association would indeed be greatly benefited. But a great stumbling-block in their way was what they were constantly hearing of the vices of the upper classes. They learned that in the circles above them immoralities were unblushingly practised, that prostitution was defended as a necessity of society, that gambling and unchastity prevailed—evils which were as deadly in a social point of view as improvidence and intoxication. He earnestly counselled the higher classes to take an example from the lower classes, who were making such rapid strides in moral and social improvement. He also deprecated that innate vulgarity and insolence of mind evinced by some to the lower classes, who were in every way their superiors except in the accident of wealth. All these things must be remembered if they would make society what society ought to be."

* M. Vervoort, the President of the Belgian House of Representatives, was also named on the deputation, but was detained by urgent business at Brussels.

† The Address was as follows:—

M. Corr Vander Maeren said—My lord, ladies, and gentlemen, We are sent here as delegates from the Belgian promoters of the International Association for the Promotion of Social Science. Far from being strangers to you, we can boast of a close parental tie between this great body and the yet infant institution which we have the honour to represent. The International Association is not only an offspring from the seeds sown by your National Association, but we can trace its paternity to the very door of the great statesman who presides over this assembly. It may not be out of place here to say a few words upon this

Hanbury, M.P., seconded by the Hon. George Denman, Q.C., M.P., assuring the kindred association of our cordial

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point. When, at the last meeting of this Association, at Dublin, I had the honour to be presented to Lord Brougham by Monsieur Garnier Pagès, Monsieur Desmarest, a distinguished member of the French bar, was present on the occasion. Lord Brougham joined those gentlemen, and expressed his anxiety to have examined the best means to extend to the Continent the advantages of an institution so full of usefulness to humanity, and of which we saw before us the admirable working. It was said that Belgium, by the fact of its possessing perfect constitutional liberty, and by its geographical position, would be the country best suited for the establishment of a central point of a great International Association. I was therefore requested to communicate with my friends in Belgium, and to consult them upon the project. I consequently submitted the views of Lord Brougham to the International Free Trade Committee at Brussels, over which I have the honour to preside. This committee having already determined to hold in 1862 a third Free Trade Congress, it was proposed that instead of getting up a congress for the special object of free trade, we should put all the means in our power at the service of the great project put before us. This latter proposition was at once accepted, and a committee of promoters was formed of some of the most influential men belonging to the various political parties of Belgium. We handed over to that body the execution of the project, expressing a wish to retain for the Free Trade Association the organization of the Fifth Section (Political Economy). We have already commenced the work of our special Section, and we hope to gather there, in September next, such an assembly of talent and influence from all countries, as we had at our Free Trade Congress in 1856. The objects of the International Association for the Promotion of Social Science are thus described by its statutes:—"The Association aims to develope the study of social science; to guide public opinion towards the most practical means to improve civil and criminal legislation; to perfect and generalize education; to extend and determine the mission of art and literature in modern society; to increase public wealth, and to insure its proper distribution; to improve the moral and physical condition of the working classes; to aid, in fine, in the diffusion of those principles which make the strength and the dignity of nations." As you will observe, the principles which form the basis of our institution are nearly a copy of your own. The promoters had, however, to consider the international character of the new institution; they modified in some measure the division of the Sections. Ours are five in number, and one of those, that of art and literature, is an addition to your programme. They considered that art might and should extend its influence over many branches of social science, not only as a means of establishing a high tone of taste and civilisation in society, but also by its applications to various branches of useful knowledge. We have an instance of it at the present moment. We are organizing a system of education through the medium of the fine arts, a specimen of which may be seen at the Exhibition. This application of art to the teaching of history, &c., in schools, by a series of mural paintings, is due to a Belgian artist, M. Gérard, to whom our Government has confided its execution in some of our model schools. The International Association pursues its objects also by nearly the same means which you do in England. The principal object in sending to you this deputation, is to enlist some sympathy and support, not only from the members of your admirable institution, but also from the distinguished foreign visitors which we see around us. Our hope is that all parties, whatever may be their political or religious creed, will consider that the mission in which we are engaged has for its sole object to bring together men of all climes, of all persuasions, with a resolution to join their labours in the good work of promoting the happiness of the whole of our race. If any objections were raised respecting the statutes or the present organization of our Association, we beg to observe that those were framed by a few Belgian promoters, as a means to form a nucleus as a basis for this great edifice. It is provided by the statutes that the whole of this organization shall

sympathy, and also welcoming to our Meeting the numerous foreigners who were present, especially the members of the *Congrès International de Bienfaisance,* which, on this occasion, held its session conjointly with our own.

The business of the Departments, which commenced on the 6th, and continued till the 13th of June, was conducted in the Guildhall of the City of London, placed at our disposal by the liberality of the Corporation,* and the kindness of her Majesty's Judges. The addresses of the Presidents of Departments were delivered in their respective rooms, a departure from the usual arrangements, which was, I fear, unpopular with the members, but quite unavoidable under the circumstances. Evening discussions on some of the more prominent of the questions brought before the Departments were held at Burlington House, where also the *Congrès de Bienfaisance* met during the day. For the use of this building we were indebted to the Chancellor and Senate of the University of London, and the President and Council of the Royal Society. †

On the evening of Saturday, June 7th, a *soirée* of the members of the Association and their friends, to the number of several thousands, was held in the Palace at Westminster, by the permission of the Lord Great Chamberlain, the Speaker of the House of Commons, the First Commissioner of Public Works, and the Commissioners of Woods and Forests. Westminster Hall, St. Stephen's Hall, the Central

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be revised, and the bye-laws framed at the first meeting, which is to take place in September next at Brussels. We therefore solicit with confidence the adhesion of all. We hope to be sustained in our efforts, and to receive the sanction of this great assembly for what we have already done.

* The Court of Common Council also voted 100 guineas towards the expenses of the Meeting. We were especially indebted to the City Lands' Committee, and their chairman, Mr. Kilday, under whose courteous direction the arrangements in the Hall were carried out.

† The President and Council of the Royal Geographical Society were so good as to postpone a meeting, which, if held as originally intended, would have deprived us on one evening of the use of the large room at Burlington House where that Society assembles.

Hall, the Houses of Lords and Commons, and the corridors were thrown open, and a spectacle was presented, more especially in the great Hall, illuminated for the occasion, which will probably never be forgotten by any who witnessed it. The recognition of the value of the Association implied on the part of the Crown in the grant of this unprecedented privilege was a peculiar gratification to the members.*

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* As it is hardly probable that another event of the same kind will take place, it is worth while to place on record the following observations extracted from a long report in the *Times* of June 9th :—

"Such a privilege is wholly without precedent, and the Association may justly feel that in the reception halls which the nation placed at its disposal they exhibited, in a marked manner, their admiration and sympathy for the work in which it is engaged. Admission to the halls of the society was gained through the corridor known as the members' private entrance, leading by the old cloisters to the lobby of the House of Commons. Here the company were received on their arrival by the Earl of Shaftesbury, Lord Brougham, Mr. Kinnaird, M.P., and other members of the Council, with the hon. secretary, Mr. G. W. Hastings, who must all have known some of the fatigues as well as the sweets of office. From this point visitors branched off, right and left, either into the House of Commons, or across the centre lobby towards the House of Lords. The majority lost little time in familiarizing themselves with the latter, which enjoys the reputation of being the finest specimen of gothic civil architecture in Europe. A moment was devoted in passing to the illustrations of English history which the skill of Messrs. Ward and Cope has enabled them to stamp on the walls of the corridors, in defiance of difficulties of light, air, and space; and they passed at once to the House of Peers, where the massive beams, and delicate carvings, and canopied niches seem all to breathe an atmosphere of gold. Having sufficiently admired the perfection of its proportions and decorations, the crowd passed on to the Prince's Chamber, which abounds with objects of interest. The series of bassi-rilievi, carved in oak representing events in the lives of the Queens of England, and the tall panels containing portraits of the Sovereigns of England, attracted the notice of foreign visitors in an especial manner. A scene more striking than architectural designs, however beautiful, was that which was presented further on by the company itself. Having quitted the precincts of the House, and passed through the avenue of illustrious statesmen in St. Stephen's Hall, St. Stephen's Porch was reached. Here, by a happy idea of Sir C. Barry's, Westminster Hall has been made an integral part of the new building, and in the porch and immediately below the great window is a stone gallery, the view from which surpassed the expectations of those even who were best acquainted with the main features of the building. Far down as the eye could reach it rested on a dense mass of flags, figures, flowers, and gay colours, the whole thrown into brilliant relief by pillars supporting crowns of flame. Overhead the lines in the noble roof stood out so clearly that the ribs appeared to cross each other like latticework. Never before, perhaps, were the proportions of the magnificent building seen to such advantage; and yet it was not Westminster Hall, as we have been accustomed to think of it. It was not that hall which looked so grand and awful when it witnessed the solemn impeachment of Hastings and Melville; it was not the hall which rung with acclamations when the Bishops were acquitted; still less was it the hall of gloomy memories associated with the names of More, of Strafford, of Charles, or of Cromwell. Rather must we go back to the days of Richard II., ere yet it had witnessed his deposition, or to the period of its original founder, William Rufus, who declared that it was but a

On the Tuesday following, the Reformatory and Refuge Union invited the members of the Association to a second *soirée* in the Hanover Square Rooms; a third took place in the Fishmongers' Hall on the evening of Thursday, June 12th; and on the following evening the closing meeting was held at Burlington House, at which a report from the Council was read, summarising the proceedings of the various Departments, and expressing the thanks of the Association to the many public bodies and individuals who had given their countenance and aid to the arrangements.* The services of the President, General Secretary, and Secretaries of Departments, were also acknowledged by the Meeting. On Saturday, June 14th, nearly three hundred members and associates dined at the Crystal

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bed-chamber in size compared with the grandeur of the palace of which he intended it to form a portion. There were giants in those days; and the nearest approach which has been made to their spirit was when Sir C. Barry, inspired by the *genius loci*, proposed to raise the roof 12ft. by means of hydraulic pressure. The assembly was not unworthy of the site on which it was called together."

* The following votes of thanks were passed:—

"To the Very Rev. the Dean of Westminster, for his courtesy in arranging for the special service held in the Abbey."

"To the Very Rev. the Dean of Chichester, for the sermon preached by him at the opening of the meeting."

"To Her Majesty's Judges, for their courtesy in arranging the sittings at Nisi Prius in Trinity Term, so as to leave the Guildhall at the disposal of the Association."

"To the Corporation of the City of London, for their kindness in allowing the use of the Guildhall, with its courts and offices, and for their liberal grant of 100 guineas to the Local Fund."

"To the Lord Great Chamberlain, for permission to use the Palace of Westminster for the *soirée* on Saturday, the 7th of June."

"To the Speaker and Serjeant-at-Arms of the House of Commons, for the same."

"To the First Commissioner of H.M. Woods and Forests, for the same."

"To the First Commissioner and the Officers of the Board of Works, for the same; and for their assistance in carrying out the arrangements for the *soirée*."

"To the Chancellor and Senate of the University of London, for their kindness in placing their apartments at Burlington House at the disposal of the Association."

"To the President and Council of the Royal Society, for the same."

"To the President and Council of the Royal Geographical Society, for the same."

"To the Warden and Court of Assistants of the Worshipful Company of Fishmongers, for their hospitality in placing their Hall at the service of the Association for a *soirée*, and for their liberal grant of 50 guineas to the Local Fund."

"To the Reformatory and Refuge Union, for their hospitable entertainment of the Association at a *soirée* in the Hanover Square Rooms."

"To the Executive Committee for the London Meeting (Mr. G. W. Hastings, Mr. Edgar, and Dr. Whitley), for their ability and zeal in making the necessary preparations."

Palace, under the presidency of Lord Brougham, whose attendance and interest in the proceedings had never flagged during the whole meeting; on the Monday following, excursions were made to Chatham, for the inspection of the convict establishment; and on Tuesday to the Reigate model cottages, the Red Hill Reformatory School, the Earlswood Idiot Asylum, and the Workhouse Girls' Home at Brockham. The members who joined this latter excursion were hospitably entertained by the inhabitants of Reigate in the Public Hall, and were afterwards received at Wonham Manor, by the Hon. Mrs. Way.

A Metropolitan Meeting of the Association, especially at the time of year on which the Council felt themselves compelled to fix, may have been a perilous experiment, but looking to the results achieved, the members will probably be of opinion that it was justified by success. A larger number of members was present than on any previous occasion; the attendance of foreigners was numerous, and the real commencement of a kindred Association on the Continent dates from the London Meeting; the papers and discussions were on the whole of a singularly valuable and practical character, as the pages of this volume, I think, will testify.

For this success we are indebted in a great measure to the City of London; a considerable portion of the expenses of the meeting was defrayed by the merchants; a building peculiarly adapted for the business of the Departments was placed at our disposal by the Corporation; and the most valuable assistance was, in various ways, afforded by the citizens. The members who attended from various parts of the kingdom had the opportunity of observing the many remarkable institutions of the City; its municipal organization, probably the most powerful in existence; its local courts, exercising plenary jurisdiction in law and equity, and possessed of an admirable procedure; its noble charities and educational establishments;

the care taken for the public health, and the various local improvements which are constantly carried out with equal vigour and success. The foreign visitors to our meeting were probably enabled to obtain, in the City of London, some idea of the local self-government which is so remarkable a feature in this country.

It is not my intention to dwell on the various subjects at the same length as in the Introduction to the last volume of *Transactions*, in which the objects of the Association and its mode of operations were fully described, but there are a few salient points in the papers and discussions to which I may be permitted to call attention.

The discussions on the Marriage Laws of the United Kingdom were a continuation of the debate that took place at Dublin, and the same opinion prevailed that the laws on this subject in the three parts of the United Kingdom, though they might continue to differ in detail, ought to be brought under one uniform principle: that principle being the *certainty* of the marriage contract, so far as is attainable. It is conceived to be of the essence of a good marriage law, that when a man and woman have contracted matrimony there shall be no doubt either in their own minds or with the public, that they have done so, and that the contract is legally binding. This cardinal principle has been practically carried out by the marriage law of England, as improved during the last century; it has not yet been attained either in Scotland or Ireland, and in both those countries a woman may find that she has unwittingly married the husband of another. The subject has been thoroughly dealt with at our two last Meetings, but will probably be again mooted at Edinburgh.

The propriety of admitting women to University Examinations was warmly discussed in the Education Department. It seemed to be the general opinion, and a resolution indeed was passed to the effect, that means ought to be provided for "testing and attesting" the education of women of the higher

and middle classes, so as to give them, if they desire it, the advantage of those certificates of mental attainments which University degrees afford to men. Several schemes have been proposed for effecting this object, and the Council have remitted the resolution which was sent to them by the Department, to the Standing Committee on Education, who are expected to report thereon.

Seventy pages of the present volume are occupied by the papers and discussions on the Convict Systems of England and Ireland, and I believe that the arguments on their respective merits have been fairly exhausted. These pages contain an amount of condensed information on convict discipline which is peculiarly valuable at the present moment. The public mind has been greatly, perhaps unreasonably, excited at the late increase of crimes of violence; a strong desire has arisen for a return to the old system of penal colonies and transportation; but before the Government commits itself to such a course, it will do well to consider not only whether the proposed remedies are practicable, and, if practicable, likely to effect the object aimed it, but also whether the evils at present complained of are not the plain results (foretold by many) of certain defects and shortcomings in our system of criminal justice and treatment of convicts which a few simple legislative and administrative improvements could at once remedy. The operation of the Summary Justice Act, under which habitual criminals continually escape (by pleading guilty before a magistrate) with a few months' imprisonment for serious offences, and the reduction of the allowances for prosecutors and witnesses at assizes and sessions, which discourages the prosecution of criminals, were pointed out in the Introduction to the last volume of *Transactions* as serious evils. To these may be added the want of intermediate prisons, such as exist in Ireland, and have been there attended with such beneficial results, and of a proper supervision for discharged prisoners. If public opinion were turned to these defects, and

proper remedies applied, we should probably soon see a marked decrease in offences, though no sufficient certainty can be entertained on this point until we possess more accurate and searching statistics on crime and the effects of the treatment of criminals.

All the questions relating to the site, construction, and management of hospitals, which are at present exciting much interest in connexion with the rebuilding of one of our great metropolitan hospitals, were discussed at length, and a large amount of valuable information on the subject will be found in this volume, which forms a continuation of that which the Association had received at Liverpool and Dublin, from the hands of Miss Florence Nightingale.

The papers on Co-operation in our previous volumes have fully described the origin and progress of that remarkable movement among the operative classes in England; at the London Meeting, a useful discussion took place on the legislation applicable to co-operative societies, and their best mode of constitution; but the most striking communication on the subject was from Professor Huber, narrating the rise and spread of similar institutions in Germany, and showing the points on which they differ from the English societies. It must be a matter for sincere congratulation to those members of the Association who have taken a sympathizing part in the discussions on co-operative industry, to know that the societies founded on this principle in the North of England have as yet survived the extraordinary pressure of the last few months; should they finally succeed in weathering the storm, it will be a crowning proof of the prudence and sagacity which have directed their management.

Nor was Co-operation by any means the only subject on which we obtained the assistance of our continental colleagues; the ensuing pages contain papers and observations from members in France and Belgium as well as Germany, and the discussions in the various departments owed, on several

occasions, much of their value to the presence of the many foreigners who attended the meeting. Belgium, indeed, had a good right to be represented on the occasion, and it was no idle compliment when the Council elected the Ambassador of her Sovereign, M. Van de Weyer, one of the Vice-Presidents of the Association for the present year, for no country in Europe is more interested in the development of the social sciences; three of the few original corresponding members of the Association, Comte Arrivabene, M. Ducpétiaux, and M. Visschers, are her citizens—three Congresses on subjects embraced within our aims, the *Congrès de Bienfaisance*, the *Congrès d'Hygiène*, and the *Congrès Statistique*, have been held in her capital,—and in the month of September last the *Association Internationale des Sciences Sociales*, destined, it is hoped, to exercise on the Continent an influence similar to that which we have endeavoured to produce in this kingdom, was founded in the same city. The Council, in order to testify their hearty sympathy with a kindred body, sent the General and Foreign Secretaries of the Association as a deputation to Brussels,* and

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* The following Report was presented to the Council by the Deputation in November last:—

In accordance with the resolution passed by the Council on the 2nd of July last, we attended the *Congrès International des Sciences Sociales* at Brussels, on the 22nd of September, and three following days.

The number of English attending the meeting was not large; but we had the advantage of the presence of Sir Joshua Jebb, Sir John Bowring, Dr. Hodgson, Mr. Heyworth, and other members of the Association, who co-operated with us heartily in the business of the Congress. Most of the Continental nations were represented; several of them by a considerable number of distinguished men.

It was arranged that the representatives of each nation should elect Vice-Presidents and Secretaries of their own. The English present paid the Association the compliment of electing us, respectively, Vice-President and Secretary.

At the opening meeting we presented an address congratulating the International Association on its formation for objects similar to our own, and wishing it all success in its labours.

We also presented, during the debate on legislation for the press, an account of the laws now in force in England on that subject.

At the banquet given at the conclusion of the Congress, the toast of "Prosperity to the English Association," was drunk with enthusiasm. In acknowledging the compliment, we assured our Belgian colleagues of the warm sympathy of the body we represented.

The Duc de Brabant, who attended the Congress, and took a marked interest in its proceedings, signified his wish that we should be presented to him. We had an opportunity of conversing at some length with his Royal Highness on subjects of social interest, and he expressed his wish that the experience of our

will always be ready to co-operate with their Belgian friends, though, of course, holding themselves unpledged as to the conduct or opinions of any Society except that which they have themselves the honour to govern.

The demands made on the time of the officers of the Association by the preparations for the London Meeting, tended to diminish the general business of the year; but some of the proceedings of the Council must be recorded.

In compliance with a resolution passed by the Mercantile Legislation Committee, at Birmingham, on the 4th February, 1862,* the Council petitioned the House of Commons, in the subjoined terms, for an amendment of the law relating to trade marks.†

Association in England, more especially as to sanitary matters, should be made available for Belgium.

We must, in conclusion, express our deep sense of the hospitality and kindness extended to us, as representatives of the Association, by all with whom we came in contact; we would especially mention the President of the International Association, M. Fontainas, and the Secretary, M. Couvreur.

G. W. Hastings.
John Westlake.

* At the same meeting the Committee passed also the following resolution:—

"That, although the Bankruptcy Act 1861 may require amendment in some particulars, this Committee is of opinion that the short time during which it has been in operation has not afforded sufficient opportunities to form a sound opinion on the alleged deficiencies; but in the event of a Bill for amending the Act being introduced, this Committee be summoned to consider the subject, and that in the meantime it is desirable, with respect to any defects which may be found in the working of the Act, that timely care be taken by Chambers of Commerce and similar bodies to accumulate trustworthy evidence."

† *To the Honourable the* Commons of the United Kingdom of Great Britain and Ireland *in Parliament assembled.*

The humble Petition of the Council of the National Association for the Promotion of Social Science

Sheweth—

That the Piracy of Trades' Marks and of Manufacturers' Names is carried on to a great and increasing extent, and demands some statutory provisions for its prevention.

That this practice is not confined to England, but that in many manufacturing cities on the Continent of Europe it is a common practice to attach to foreign goods the marks and names of English manufacturers; and your Petitioners are credibly informed that dealers in hardware, in offering samples of their goods, offer at the same time to sell labels, which are *fac-simile* copies of those used by well-known English firms, or to attach the names or marks of such firms on the goods.

That difficulties are found to exist in the prosecution of suits in Foreign Courts by English manufacturers for the repression or punishment of the Piracy of Trades' Marks, inasmuch as no written law exists in this country in respect to such piracy, and Foreign Courts are open to the inhabitants of those states only where reciprocal written laws have been enacted.

A measure entitled the Police Improvement (Scotland) Bill, having been brought into Parliament, with the object of introducing into that country the principal provisions of the Local Government Act in force in England, and thus facilitating the improvement of the sanitary condition of Scotch towns, the Council, on July 8th, 1862, petitioned the House of Lords in favour of its enactment.

The resolutions on Quarantine which were passed by the Public Health Department at Dublin, were considered by the Council, together with a minute* by Dr. Milroy, to whose

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That your Petitioners are informed that the Common Law of England holds the Piracy of Trades' Marks to be a criminal offence; but that the law on this subject ought to be embodied in a plain statutory provision, and thus be made known and certain to all Her Majesty's subjects.

That an enactment thus declaratory of the Common Law as to the remedies for a piracy of Trade Marks and the fraudulent use of manufacturers' names, would facilitate conventions on the same subject with foreign states; and would also, as your Petitioners have reason to believe, check the continuance and increase in England of this dishonest and mischievous practice, inasmuch as many who now, in doubt or misapprehension of the law, consider such piracy to be a venial offence, which may be readily compromised for money, would be deterred by the fear of trial before a criminal court.

That in the event of the enactment of any such statutory provision as above-mentioned, it would be expedient to establish a due registration of Trade Marks, in order to simplify the evidence of ownership, the proof of which is now complicated and costly, and to provide a security for manufacturers who otherwise might, in ignorance, use marks belonging to others.

Your Petitioners therefore pray that your Honourable House will proceed to inquire into the present state of the law relating to the Piracy of Trades' Marks, and the fraudulent use of manufacturers' names, and to take such other steps for the remedy of the evils herein complained of, as to your Honourable House shall seem fit.

And your Petitioners will ever pray.

* Minute. The following two resolutions were passed by the Public Health Department, and subsequently adopted by the general meeting of the Association at Dublin:

1. "That the existing state of quarantine legislation and practice is liable to many grave objections, and often causes unnecessary impediments to international and commercial intercourse, without affording any adequate protection to the Public Health, and that it deserves the attention of Government, and calls for further investigation."

2. "That it is highly desirable that an accurate report of all proceedings taken in respect of quarantine in the ports of the United Kingdom, and also of all official communications received by the Government relating to quarantine in foreign and colonial ports, should be annually submitted to the Legislature."

In respect of the first of these resolutions, the report of the Quarantine Committee suggests, among other recommendations, that—

"It would materially conduce to a thorough knowledge of the subject, and probably to the speedy adoption of a more rational and uniform practice generally, if the Government of this country instituted an investigation into the results of quarantine, and the working of quarantine establishments, in the chief ports of

exertions on this question the Association is so much indebted, and in accordance with a resolution passed on the 17th April,

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the south of Europe and of the Mediterranean, where the system is still in greatest force, in order to ascertain the actual truth by personal observation on the spot."

One member of the Committee, Dr. John Davy, Inspector-General of Hospitals, who has had great experience on the subject in all parts of the world, proposed that the investigation should be extended to "the principal ports of the United States, and of the Danish, French, and Spanish colonies in the West Indies, in all of which the existing quarantine system is so irregularly conducted."

That such an inquiry would be of public advantage in various ways, and serve to bring about a discontinuance of divers unnecessary and injurious impediments to the safe freedom of commercial and general intercourse of nations, may be drawn from the correspondence between Earl Russell and H.M. Ambassador at Constantinople, respecting the state of quarantine practice in the Dardanelles, and from the letter of Sir J. E. Tennent, from the Board of Trade to the Foreign Office, showing the inconsistencies and "the prejudicial operation of the quarantine regulations in force in the Ottoman Empire upon the commerce of this country in the trade of the Levant."*

The evidence of many of H.M. Consular agents, contained in the Abstracts of Returns recently laid before Parliament—as of Consul Mark at Malaga, Consul Brakenbury at Vigo, Consul Smith at Lisbon, Consul Erskine at Madeira, Consul Neale at the Piræus, and of others—as to the contradictory and injurious regulations enforced in different countries, and as to the bad sanitary condition of many lazarets for the reception of persons detained in quarantine, points to the same conclusion.

The extreme, nay, extravagant measures of rigour which were adopted in most of the Mediterranean ports in the autumn of 1858, upon the intelligence of a malignant fever prevailing among the squalid and starving population of an Arab village on the African coast, prove to what an extent the interests of the public are liable to be endangered upon any mere alarm arising from credulous ignorance.

And the incongruous regulations on the subject existing in many of our colonies, sometimes in contiguous islands, strongly show what confusion and uncertainty on the subject will always prevail, if our fellow-citizens abroad are left to grope their way without any counsel or guidance from the mother country.

In respect of the *second* of the resolutions, it is perhaps only necessary to say that the utility of having an annual statement of the work done, and of the measures adopted in regard of all other matters brought under the attention of the Privy Council and of the Board of Trade, has now for several years been recognised, and that the information so made public has been highly beneficial. The practice if extended to affairs relating to quarantine, on which subject the Foreign and Colonial Offices, as well as the Board of Trade, occasionally receive many communications, could not fail to conduce to the prevalence of more enlightened views respecting it, both in this country, and also in our colonies, as well as in many foreign countries.

The Report of the Committee recommends that "Medical quarantine officers should be required to keep accurate records of all matters relating to quarantine, and to the condition and circumstances of the shipping arriving in and leaving their ports, and to prepare an annual report from the data so procured, for the information of the local authorities; and in this report mention should be made of any epidemic visitation which may have occurred in the place during the year."

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* Paper respecting Quarantine in the Mediterranean, presented to the House of Commons in pursuance of their Address, dated May 7, 1860, pp. 100-104.

1862, a deputation* waited on Lord Palmerston, and received from his lordship a promise that the information obtained by our Quarantine Committee, and the opinions expressed in their report, should meet with the immediate consideration of Her Majesty's Government.

One of the objects originally contemplated by the Association was the collection of local statistics from various towns and districts in the kingdom, chronicling their social condition and progress. It may be hoped that this object is in process of fulfilment. A report of a highly valuable and comprehensive nature from the Branch Association at Bradford is appended to this Introduction, and may serve as a model for similar records in future. Several interesting papers in the volume furnish information of a like nature from Birmingham and other towns.

The Hon. William Beach Lawrence, of Rhode Island, United States, and Baron Holtzendorff, Professor of Jurisprudence in the University of Berlin, each of whom had sent valuable contributions to the Dublin Meeting, have been elected by the Council, Foreign Corresponding Members of the Association.

We have had to regret the deaths, among others, of Sir Benjamin Collins Brodie and Dr. McWilliam, both original members of the Association, and warmly interested in its labours. The Council, in each case, expressed a sense of the loss we had sustained by a resolution entered on their minutes.

The three Societies affiliated to the Association are steadily pursuing their objects. The Workhouse Visiting Society held a meeting at Burlington House during the London Congress, under the presidency of Lord Lyttelton, when a Report was presented by the Hon. Secretary, Miss Louisa

* The Deputation consisted of Lord Talbot de Malahide, Mr. Stephen Cave, M.P., Mr. G. W. Hastings, Dr. Lankester, Dr. Milroy, and Dr. Waller Lewis.

Twining, whose admirable exertions are producing important results. A considerable improvement in the management of workhouses has taken place in many parts of the kingdom, and the establishment of an industrial home for young women from those institutions has proved an entire success. Eleven boards of guardians send girls to this Home; and out of the sixty-six inmates who have been received, only one has again become a burden to the parish. The system having now been tried in London, is likely to be adopted in the provinces, and an Act passed during the last Session of Parliament, (in a great degree through the efforts of the Hon. Mrs. Way, who has for some years maintained a Home of this nature,) will enable the guardians to give assistance to such institutions out of the rates.

The Society for Promoting the Employment of Women is also progressing in its work, and the exertions to organize an emigration of women of the middle classes, made with so much ability by Miss Rye, have been zealously supported by the Society.

A numerous meeting of the Ladies' Sanitary Association took place in the Guildhall, under the presidency of the Lord Mayor, during the proceedings of the Public Health Department, and the Report read on the occasion bears witness to the continued beneficial influence exercised by this Society.

A change of some importance has been made during the past year in the constitution of the Council. At the first meeting, at Birmingham, sixty members were elected to form, with the officers, the governing body, and at their monthly meetings the entire business of the Association was transacted. This plan remained in force till the London meeting, when it was resolved that the Council should be greatly increased in number, that its meetings should only take place on four occasions during the year, and that the management of the details of business should be placed in the hands

of an executive committee. The precise constitution of the existing Council, which now consists of upwards of 200 members, will be found in the laws passed at the London meeting. The constant increase of business at the office of the Association has made it necessary to engage the services of an Assistant-Secretary, and Mr. J. H. Randall, who acted in the same capacity under the Executive Committee of the London Meeting, has been appointed by the Council to that post. Miss Isa Craig will continue to give the same invaluable help which she has afforded to the Association during the past five years.

On the 20th of November, the Council resolved that the next Annual Meeting of the Association shall be held in the City of Edinburgh, from whose inhabitants an invitation had been received.

GEORGE W. HASTINGS.

APPENDIX.

Report on the State of Bradford, in its Educational, Criminal, Sanitary, and Economical Aspects, in 1862.

At the meeting of the Association, held in Bradford in 1859, a series of papers was furnished by local contributors containing valuable statistical and other information with regard to the state of the borough, in the various aspects represented by the different Departments of the Association, most of which will be found in the *Transactions* of the Society for 1859. Since this date, the Branch Association have to regret the loss, by death, of Mr. Alderman Beaumont and William Hector Hudson, Esq., the late Town Clerk, the authors of two of the most important of these papers, both dealing with the sanitary condition of the town; and, from the interest these gentlemen took in the subject, the Branch Association feel that, by their loss, they have been deprived of very valuable assistance in the preparation of this report.

The authors of other papers have endeavoured to supplement the facts collected in 1859 by information as to the progress of the borough since that date, and the results of their labours are summarised in the following statement. Before, however, dealing with the subject-matter of the various Departments, it will be convenient to make some observations upon the Census of 1861, and upon the causes which may have led to the great disparity between the anticipated and the actual result of it.

In 1851 the borough of Bradford contained a population of 103,786, and 19,002 inhabited houses—being 5·46 persons to each house. In proceedings in Parliament in 1858, and in the preparation of the various papers read at the meeting of the Association in 1859, and for other purposes, it was assumed that the population in those years amounted to about 130,000; whilst the Census of 1861 showed an actual population of 106,203 only, and 22,542 inhabited houses —being 4·72 persons to each house. The result of the Census was so different from what was anticipated, that it was at first supposed the enumerators must have made some serious omissions. As a convenient test, the number of inhabited houses was therefore again taken, under the direction of the late Town Clerk and the Chief Constable, on the 10th May, 1861, which resulted in a return of 22,895 inhabited houses, as against 22,542 according to the Census return as taken on the preceding 7th April. This shows a discrepancy of 453 houses only, which, at the rate of 4·72 persons per house, would give 2,138 additional inhabitants. Therefore, assuming the police return to be the correct one, the result of the correction removes but to a very slight extent the discrepancy which has been mentioned between the estimated and actual census; and there can be little doubt but the latter may be safely assumed to give substantially the correct number of the inhabitants. It will be observed, however, that if the proportion of the number of houses to population in 1861 had been the same as in 1851, the number of inhabitants in the 22,542 houses inhabited in the latter year would have been 123,079. Again, the number of plans of new houses approved by the Corporation under their building regulations during the ten years was 6,626, from which it has been usual to deduct 10 per cent. for houses not built as proposed, which would leave 6,000, as against an increase of 5,000 houses returned in the Census, and account for a further difference of 5,000 between the estimated number of inhabitants and the actual number. Again, the number of uninhabited houses in 1851 was under 200, and in 1861 it was 1,721; and this disparity was not taken into account in estimating the population. If the difference in the number of unoccupied houses be taken at 1,500 and 5·46 persons per house, a further discrepancy of 8,190 inhabitants is accounted for. The aggregate of these, if the basis on which the calculations are made had been correct, would have given a population at the present time of 136,269, subject to a deduction on

account of old dwelling-houses displaced by new ones, or by public and trade buildings, and of cellar dwellings discontinued; the aggregate number of these for the ten years is 290, representing a population of 13,630.

It is apparent from the above that the over estimate of the population has arisen from three causes:—

1st. In assuming that the number of persons in each house would be the same in 1861 as in 1851.

2nd. In assuming the increase of houses to be equal to the number for which plans are approved, with a deduction of 10 per cent. for houses not built and old buildings displaced and discontinued for habitation.

3rd. In assuming the number of unoccupied houses to be no greater in 1861 than in 1851.

It now remains to consider to what causes the falling off in the ratio of increase between 1851 and 1861 can be attributed; and, also, whether this affords any ground for apprehension that the actual progress in the material prosperity of the borough has not been equally great as in the preceding decennial period.

1. As to the causes which have led to a falling off in the ratio of increase.

In the first instance, it may be remarked that the year 1851 was one of great prosperity, and the population of a manufacturing town is found to fluctuate considerably according to the state of the trade, by reason of many of the younger portion of the operatives not being householders, and being attracted from one town to another by the rate of wages.

In the second place, the combing of wool by hand, which employed a considerable number in 1851, has since been almost entirely displaced by machinery; and though most of the woolcombers and their families have been absorbed into other occupations, it is calculated that some hundreds left the town, mostly accompanied by their families.

Another cause is, that the large works of Messrs. Titus Salt, Sons, & Co., have, since 1851, been removed to Saltaire, in Shipley; and as it appears that the population of the latter place has increased from 3,272 in 1851, to 7,098 in 1861, there can be no doubt the removal of these works has made an appreciable difference to the population of Bradford.

Another influence which has no doubt operated to reduce the population is the inducement now offered by the various railway companies to parties to live a few miles out of town, by granting annual tickets at such rates that the cost of transit to and from stations six or ten miles' distance is not much greater than from the residential to the business part of the borough. The effect of this is, that many merchants, manufacturers, and others, and a portion of their employés with their respective families, reside near stations on the various lines of railway from Bradford towards Leeds, Skipton, Halifax, and Huddersfield. Since 1851 this has very much increased, and the result has been a considerable reduction of the actual population of the borough.

When the above facts are fairly considered, it is submitted that there is no reason for apprehending that the Census return affords evidence of any material check to the progress of the prosperity of the borough; and in confirmation of this, it may be observed that the number on the burgess roll has increased from 8,396 to 15,218—on the parliamentary register from 2,454 to 3,828—and the annual rateable value of the property from £201,000 to £290,000, or 44 per cent., the increase in the previous decennial period being from £137,000 to £201,000, or 47 per cent.

It is rather gratifying than otherwise, both from a novel and sanitary point of view, that the number of persons per house has been reduced from 5·46 to 4·72; and perhaps the only item in the Census return really to be regretted is the number of unoccupied houses. This, it is apprehended, may have resulted to some extent from over building, induced by the great want of houses in 1851; but it is believed that many of the unoccupied houses are very old, and built in such a defective manner, as regards their sanitary arrangements, that the further occupation of them is not desirable, and that they will eventually be displaced by a better class of dwellings.

With regard to the sanitary state of the borough, it will be unnecessary to add

anything to the very elaborate papers which appear in the *Transactions* of 1859, beyond calling attention to the necessary addition which must be made to the death-rate set out in the papers, by reason of the population being so much less than was anticipated.

The following table shows the number of deaths in the years 1859, 1860, and 1861:—

Year.	Population.	No. of deaths.	Average No. of deaths yearly.	Yearly mortality to every 1000.	Average yearly mortality to every 1000.
1859	105,300	2,702	2,651	25·66	25·06
1860	105,800	2,360		22·3	
1861	106,203	2,893		27·23	

This statement will still compare favourably with other towns. In Leeds, for instance, the death rate is now 28 per 1,000, whilst, before the execution of the main sewerage, it was 33·7. In Bradford the main sewerage has not yet been commenced, and if the advantages shown by the mortality returns of Leeds be also experienced here to a moderate extent, the borough will be placed in a most satisfying position as regards its sanitary condition.

Education.

Bradford Mechanics' Institute.—At the Bradford meeting in October, 1859, a paper was read by Mr. Godwin, which gave a sketch of the rise and progress of the Bradford Mechanics' Institute, and pointed out the sources of its great value and continued success, as an Educational Institute, at once self-supporting, and conducted chiefly for the benefit of the working classes. Since that period its management has been guided by the same principles in all respects, and has been attended by a steady continuance of the same gratifying results. The Library now contains above 8000 volumes, and the issues also increase. About 65 per cent. of the members continue to be strictly of the working classes, or their sons. Its classes, which are considered the principal means of usefulness, have shown a remarkable increase, both in the numbers on the books and in the average attendance, and a portion of the pupils continue to take a high stand every year at the Society of Arts' Examinations. The treasurer's account shows a balance in hand at the close of every year. So that in every point of view the Bradford Mechanics' Institute may be said to be still doing a great and successful work for the classes for whose benefit it was formed, now thirty years ago. On 31st March, 1862, it had:—Life members, 126; members at 12*s.*, 483; subscribers at 10*s.*, 172; subscribers at 8*s.*, 344; female subscribers at 6*s.*, 40; firms, 6; persons nominated by firms, 65; total, 1,236.

Bradford Church of England Literary Institute comprises a library, a news and reading room, a chess and draughts room, a system of evening instruction, and a course of lectures, (partly paid, partly not). For the quarter ending 31st December, 1861, the number of members was:—Honorary members, (paying from 10*s.* 6*d.* to £5 per annum,) 50; ordinary members, males, (paying 4*s.* per annum,) 388; ordinary members, females, (paying 2*s.* per annum,) 138; total, 576. The report of 1861-62 says, the library has 1,617 volumes for the quarter ending 31st December, 1861, issued 253 volumes a week, against 108 of the same quarter the year before; the news room and chess room are much frequented; and the classes at no period so well attended.

	No. on Register.	Average attendance.
Latin	17	11
French (males)	30	21
French (females)	19	12
Arithmetic and Book-keeping	48	27
English (females)	32	19
	146	90

Bradford Young Men's Catholic Institute has about 350 members. The object of the Society is the advancement of religion and literature, and also to provide a reading and news room, where the members can spend their evenings. The rooms are supplied with papers and periodicals, mostly Catholic. There are also lectures occasionally, and a band.

Bradford Young Men's Christian Association, established about four years ago, has for its object to bring young men into close communion with each other, for the purpose of promoting their spiritual improvement. Its present number of members is about 200, and the means adopted to carry out the objects of association are classes, lectures, and a library and news room. In the classes are taught English grammar, English history, elocution, and French. Besides these, there is an essay and discussion class, and a Bible class. The library consists of about 550 volumes of carefully selected works. In the news room are many of the daily, and a good number of both provincial and London weekly papers, and also religious magazines.

The Bradford Female Educational Institute has progressively improved since its establishment in 1857. It provides evening instruction for women and girls. The members on the books, December 31st, 1861, amounted to 570; at the same period in 1860 the number was 456, showing an increase of 114. The average attendance per night in each month is shown in the following table:—

January	91	May	80	September	102
February	110	June	61	October	164
March	125	July	63	November	183
April	120	August	72	December	129

The ages of the members are:—367 from 13 to 18 years of age; 86 from 18 to 20; 67 from 20 to 25; 33 from 25 to 30; 17 from 30 to 34—total, 570. Of the 114 new members enrolled since the last report, 42 could neither read nor write; 26 could read indifferently but could not write; 21 could read moderately and write a little; 15 could read well and write moderately; 10 could read and write well; and not more than 32 could work a simple addition sum correctly. The subjoined account of the occupations of the 570 members proves that the Institute is really educating women and girls belonging to that part of the community for whose instruction it was specially originated:—

Weavers	129	Employed in Chemical Works	1
Spinners and other Factory Workers	267	,, in a Paper Warehouse	3
Nursemaids—at home	122	,, in Shops	4
Dressmakers, &c.	6	Staymakers	2
Assistant teachers	2	Upholsterers	2
Piece-board Paperers	10	Bookbinders	2
Domestic Servants	17	Stitchers in a Dye-house	2
Cigarmaker	1		
			570

As in the preceding year, nine classes have been in operation; in which Reading, and Writing, Arithmetic, and Sewing are taught. There is one for the elder girls, who are instructed also in History, English Grammar and Dictation, Geography, and Domestic Economy, &c.

In addition to these, a class has been commenced on Friday evenings, for familiar lessons on English History, Geography, and Common Things, which is open to all the members. This class has been very well attended. The classes are conducted by seven paid teachers, and seven voluntary teachers. There is a Library of 480 volumes. The year shows a decrease in the reading of Tales, and an increase in the reading of Biography, History, Geography, and Poetry. There is also a Penny Savings' Bank connected with the Institute.

Bradford Ragged School was established in 1856. The average attendance was 160 daily during the first year. At present it is 180. The year it was opened the public records of Bradford showed 111 prisoners under fifteen years of age. This number had fallen to 26 in the past year.

Broomfield's Ragged and Industrial Schools were established in 1858. The buildings were erected at a cost of nearly £1,600, and provide ample accommodation for 250 children, with an excellent residence for master and mistress. A good playground is attached to each of the schools, and the boys and girls are kept entirely apart. Provision is made for giving industrial occupation to the children of both sexes. A grant of £763 was obtained from the Committee in Council on Education towards the cost of the site and buildings. During the first year of its opening, juvenile committals (which had already been reduced 30 per cent. under the operation of the Cropper Lane School) were reduced 50 per cent. During 1861, 117 new scholars were admitted (276 in 1860), making a total of admissions, since the opening in 1858, of 580 children, not one of whom has been brought before the magistrate for bad behaviour. A mid-day meal is provided for the children. They show an amount of cleanliness, order, and morality, far superior to the uneducated boys and girls of the neighbourhood.

Punishment and Reformation.

A Statistical Return of the State of Crime in the Borough of Bradford, in the County of York, from the 29th September, 1859, to the 29th September, 1861, inclusive, has been drawn up as follows by F. W. Grauhan, Chief Constable:—

The number of indictable offences committed was 505, and the number of persons apprehended for such offences was 522; of these, 188 were committed for trial, 131 summarily punished, and 203 discharged. For other offences, the total number of persons brought before the magistrates was 2,842, of whom 1,830 were convicted, and 1,012 discharged; these include offences against the local and other Acts of Parliament. The total number of persons taken into custody by the police was 1,578, of whom 25 were under 10 years of age; 79 from 10 to 15; 260 from 15 to 20; 555 from 20 to 30; 367 from 30 to 40; 176 from 40 to 50; 77 from 50 to 60; 30 from 60 to 70; 7 from 70 to 80; and 2 were above 80 years of age. Classified according to the countries of their birth, 1,065 were English, 471 Irish, 25 Scotch, and 17 foreigners. The total value of property stolen was £1,103 1*s.* 1*d.*; and of the stolen property recovered, £436 8*s.* 8½*d.* The number of licensed victuallers convicted of offences against the tenor of their licences was 5, and the amount of fines inflicted upon them £7. The number of beerhouse-keepers convicted was 23, upon whom were imposed fines amounting to £57 12*s.*

Social Economy.

The Report of the Condition of the Factory Operatives at Bradford has been drawn up by Mr. John James, author of the "History of the Worsted Manufacture in England," as follows—Since the meeting of the Association at Bradford, the condition of these operatives has continued to improve in all respects. At present, the worsted trade is steady and prosperous, and the wages of the operatives good, enabling them to obtain, without difficulty, the necessaries and even comforts of life.

The most pleasing and important feature of improvement lies in the greater interest which the masters take in the well-being of their workpeople. Now, as a rule, regard is had in the choice of hands to their characters; for it has been found that the best and most skilful weavers are those who conduct themselves with the greatest propriety. In none, except some very inferior manufacturing establishments, can it be observed that the masters are wholly careless respecting the morals of their mill-hands. The advantages of education are more and more attended to by these operatives, who, to a much greater extent, avail themselves of the aids which night schools, Sunday schools, and reading afford.

As to their physical condition: there is on every hand a marked improvement. The abodes of the operatives were in former years to be found in the cellars and other close and unhealthy dwellings in the worst drained and most pestilent localities; but, owing to the great increase of cottage accommodation in the out-

skirts of the town, large numbers of the workpeople of Bradford have removed thither from the densely populated quarters, and those who remain have greater choice of residence, and are not so crowded. Again, the masters obey, year by year more cheerfully, the sanitary requirements of the Factory Act, such as whitewashing and purifying their mills, and even take great interest in making them look clean and comfortable.

Of late many kinds of fine fancy weaving have been established in the town, from Glasgow and other places, and the weavers of these descriptions of goods obtain very high wages. Indeed, it is unquestionable that the worsted weavers of Bradford are most skilful in their art; and a master who is fortunate enough to obtain the best class of hands, takes great care not to lose their services. It is satisfactory to know that the death-rate of the operatives of Bradford is much lower than in former years, owing to better living, better ventilation, better drainage, and better dwellings. The best medical authorities of the town declare that those employed in factory labour are not peculiarly liable to any disease beyond the other inhabitants. Undoubtedly pulmonary consumption still prevails extensively among the female mill-hands; but not to the same extent as it did some years since, and is not greater in proportion, we are informed by medical men, than among other females whose labour is confined. In some degree this disease is increased among mill girls by their fondness for "cotting"—that is, a number of mill girls living together in one lodging which is oftentimes overcrowded. In our large spinning and weaving factories the rooms are mostly lofty and well ventilated, and kept clean and whitewashed; whilst the necessity of working the material at a moderate temperature renders the rooms in winter warm and comfortable.

Turning to the moral condition of these operatives, it is pleasing to observe that, as a body, a high praise may be accorded to them. From the last Official Report of the Chief Constable of Bradford, it appears that upwards of 876 persons were taken into custody during the year; and upon inquiry of him, we find that only about a dozen of female factory operatives were included among that number. This fact speaks volumes. This class of females constitutes a large and respectable portion of the congregations of our churches and chapels, and of our Sunday-school teachers. It is notorious that the mill-hands of Bradford are, on Sundays, among the best dressed operatives in the world; and this love of dress no doubt arises from and conduces to self-respect.

Within the last few years a mighty change for the better has occurred in the overlooking of the mills. Formerly, a most disreputable body of overlookers existed, who took advantage of their position to corrupt and lead astray the mill girls under their charge; but the better class of masters are now careful to guard female operatives from such baneful influences. A most excellent authority on this subject, Mr. Baker, the Factory Inspector, states that another source of evil which cannot be so easily removed, arises from a few grown up immoral females being permitted to work with young girls, who are almost certainly contaminated in a body by these evildoers; such is the force of example among factory girls that their nature is easily changed. When under the vigilant supervision of a good master or overlooker, they become quite a superior class; remarkable for proper conduct, clean and neat in their dress. In some of the mills there is much to deplore, much to remedy. If the manufacturer care little or nothing for the character of his werkpeople beyond their capacity, at probably a lower rate of wages, to perform his work; or if the hands are left to the sole control of an unprincipled overlooker, lamentable effects follow. But, with every drawback, the morals of the mill girls are undoubtedly improving. Owing to the want of hands and good wages, the "social evil" is to a much less extent than formerly, recruited from the mill girls of Bradford. The numbers of illegitimate children are also fewer among these operatives, and are mostly born to those who afterwards become their husbands. Much however yet remains to be accomplished by the intelligent and benevolent spinners and manufacturers to ameliorate the condition of their workpeople, for it is only of late years that they have begun to understand the obligations and duties which rest upon them as masters, and zealously to endeavour to improve and care for those in their employment.

Respecting the intellectual condition of these workpeople; it is quite apparent to even a casual observer, that although beyond comparison the best educated and most intelligent of the people engaged in the textile arts, there yet remains much to be done to render them a tolerably educated class. True, the larger portion of them can read, and avail themselves of that acquisition to peruse the cheap London periodicals, filled with tales, many of them in the worst possible taste, melodramatic, and overwrought in passion. It seems as if the tiresome nature of factory employment rendered necessary some strong and piquant literature to engage the attention of these readers. Wonderful it is to contemplate the load of cheap literature imported into Bradford every week. It is probably larger than that of any other town of its size in England. The male factory operatives purchase largely and read with avidity the newspapers of all classes of politics, and great numbers of them are a highly intelligent class, well versed in all the public topics of the day. Beyond reading, the education of an immense majority of these operatives, both male and female, is exceedingly limited. The number of people among the factory workers who cannot write is very large, and the proportion of those who do not know the elementary rules of arithmetic, much larger. If any one consults the marriage registers of our churches and chapels, he will be grieved to find so many who have signed the register with a mark. Much is being done to remedy this evil. A Female Educational Institute, and numerous night schools and evening classes are in operation. There is probably no class of workpeople who invest more largely in proportion to their means than these operatives do in Savings' Banks, Building Clubs, and Friendly Societies. In truth, prudence is a marked characteristic of a vast number of these factory toilers.

Bradford Savings' Bank.—Table showing the proportion of depositors to the number of inhabitants, the amount of deposits, and the average amount for each depositor.

Names of Townships, &c.	Number of Inhabitants.	No. of Depositors Nov. 23, 1861.	No. of inhabitants for each Depositor, in round numbers.	Amount of Deposits.			Average amount for each Depositor.		
				£	s.	d.	£	s.	d.
Bradford, Bowling, Horton, and Manningham...	106,218	4,998	21	112,621	15	7	22	10	8
Wike	3,016	75	40	3,691	18	6	49	4	6
Hunsworth	1,199	15	80	700	3	2	46	13	6
Drighlington	4,274	35	122	832	0	7	23	15	5
Tong	3,035	39	78	1,279	17	5	32	16	4
North Bierley	12,500	482	26	18,916	5	10	39	4	10¾
Do. Branch and Penny Savings' Bank...		390	32	2,287	11	2	5	17	4
Thornton	7,627	128	60	3,520	6	10	27	10	0½
Clayton.....	5,656	116	49	3,940	13	4	33	19	5
Allerton	2,014	76	26	2,101	12	1	27	13	0¼
Wilsden	2,888	73	40	2,039	7	3	27	19	8½
Shipley	7,098	237	30	5,672	8	5	23	18	8
Heaton	1,673	76	22	3,034	19	1	39	18	8
Eccleshill, Bolton, and Idle	14,564	660	22	17,656	19	0	26	15	0½
Calverley-with-Farsley ...	5,556	188	30	5,522	5	4	29	7	5½
Pudsey	12,914	233	55	3,566	2	1	15	6	1
Total	190,232	7,821		187,384	5	8	23	19	2
Miscellaneous Small Balances		656		74	6	11	0	2	3
Outside and Distant Places		766		18,054	4	5	23	11	4½

From the four Post Office Savings' Banks (Bradford, Pudsey, Idle, and Eccleshill,) one return only has been obtained, viz., from Pudsey, in the midst of a population of many thousands between Bradford and Leeds. It commenced 16th September, 1861. The total amount of deposits to the end of April, 1862, was £86 7*s.*

The Report on Co-operative Societies was drawn up by Mr. Malcolm Ross. The principles of co-operation are gradually becoming more appreciated by the working classes in this district. There are now three co-operative societies, carrying on the grocery and general provision trade, established in the borough, and all of them are steadily increasing in the number of their members, and the amount of business transacted. The Great Horton Industrial Self-Help Society, which has been in existence now for three years, numbers about 500 members. At the half-yearly stock-taking in December last, the fifth of the Society, it was found that the paid-up share capital amounted to £1,370 13*s.* 8½*d.*; that the total receipts were £6,701 19*s.* 9½*d.*; the profits being £421 4*s.* 3*d.*, which yielded 1*s.* 6*d.* per pound on members' purchases. This Society is in possession of three stores, one at Wibsey, one at Low Moor, and the other, the principal one, at Great Horton, where the members have recently purchased sufficient land on which to build suitable premises for their increasing connexion. The other two societies began practical operations about fifteen months ago. The Bradford Industrial Co-operative Society rents, for its principal establishment, a large commodious shop in the centre of the town, having also a branch store at Dudley Hill, and preparing to open another at Manningham. The number of members of this Society is upwards of 400, whose paid-up shares at stock-taking on March 17th last amounted to £840 19*s.* 8*d.* The accounts here are made up quarterly, and for the quarter ending on the date just named the total receipts were £2,754 13*s.* 10½*d.*; profits, £120 9*s.* 9½*d.*, allowing a dividend at the rate of 1*s.* 3*d.* in the pound on members' purchases; the total profit made from the commencement being £368 11*s.* 10½*d.* The Bradford Provident Industrial Society has four stores altogether, the central one being in Manchester Road, a densely occupied locality; and the others respectively at White Abbey, Wibsey, and Bowling. The number of members is declared to be 471, whose paid-up capital on the 31st December last, the date of their half-yearly stock-taking, amounted to £655 9*s.* 5*d.*; the total receipts for the half-year being £5,038 2*s.* 4½*d.*; and the profit made £190 3*s.* 2¾*d.*, which yielded a dividend at the rate of 1*s.* per pound on members' purchases; a clear total profit of £320 being realized in the short period of this society's existence. Thus, these societies number, in the aggregate, about 1,400 members, which number is constantly increasing, and their share-capital amounts to £2,867 2*s.* 9½*d.*, as calculated from their last balance-sheets. Putting the last two quarters' accounts of the Bradford Industrial Co-operative Society together, the half-yearly total receipts of all three societies show the large sum of £16,845 19*s.* 8½*d.*, and the total profits for the same period £827 17*s.* 10*d.*, clearly proving that the working classes in this district are becoming more and more alive to the great advantages to be reaped from habits of thrift and economy, and establishing a fact beyond all dispute, that they are qualified, in a very remarkable degree, for conducting the commercial and financial arrangement of large trading establishments to a successful issue.

Benefit Building Societies.

Mr. P. A. Binns continued the statistics of business done by the building societies referred to in the printed table, (*Transactions*, 1859, page 686,) and stated two modifications in the plans of the Bradford Third Equitable, to which that paper had special reference. Since 1859, power has been obtained by that society to "invest all monies not wanted for the immediate purposes of the society, under the authority of 10 Geo. IV., c. 56, sec. 13." This enables the directors to meet the occasional cases in which trustees, joint owners, and corporate bodies desire to borrow, and permits advances to be made on the terms of private mortgages. The rate of interest allowed to investors, and required from borrowers, in the Bradford societies has been reduced to 4½ per cent., as at Leeds and Halifax. In the Third Equitable, the profits are now divisible among

investing members only, which authorizes borrowers, on assessment for income tax, to deduct from their gross income the amount of interest paid to the society. If by such deduction the income is reduced below £150, the tax is payable on the lower scale; if below £100, no tax is chargeable. In all cases where members partake of profits, the Commissioners of Inland Revenue consider the interest paid to building societies as part of income, and insist upon payment of the tax.

BENEFIT BUILDING SOCIETIES.

Last Two Years' Business, 1860 and 1861.

	Bradford.		Halifax.	Leeds.	
	Second Established 1851.	Third Established 1854.	Established 1853.	Established 1848.	Totals of the two Societies.
Members entered	—	853	956	—	—
„ received advances	—	171	152	341	—
Shares entered	1,607	2,266	2,320	8,626	14,8[illegible]
„ advanced	483	745	808	1,890	3,9[illegible]
Subscriptions received	£49,128	£66,153	£61,301	£199,477	£37[illegible]
Amount advanced.....	£37,849	£51,898	£51,685	£122,531	£26[illegible]
„ of Loans received	£29,168	£48,720	£30,001	£34,537	£142[illegible]
Expenses paid	£735	£900	£1,724	£2,896	£[illegible]
Percentage of Expenses to Receipts	18*s.* 6*d.*	15*s.* 4*d.*	35*s.* 8*d.*	24*s.* 4*d.*	22*s.* [illegible]
Gross Total Receipts for 2 years	£79,333	£116,949	£96,575	£237,991	£53[illegible]
Present Position of the Societies:—					
Members	1,078	1,610	—	—	
Shares	3,510	4,445	3,827	12,358	
Amount owing by Borrowers	£89,790	£126,990	£94,699	£226,382	
„ „ to Investors	£40,310	£87,007	£42,863	£167,933	
„ of Loans owing ...	£47,143	£39,109	£43,925	£49,199	

The Amount of Relief afforded to the Poor in the Bradford Union:—

Lady Day, 1859.....	£12,321	0*s.*	0*d.*
Do. 1860.....	£9,312	0	0
Do. 1861.....	£10,358	0	0
Do. 1862.....	£10,152	7	0

N.B.—The year 1862, though a very bad winter, worse than 1861, shows less relief given. The difference is assigned to the influence of the French Treaty on the trade of the town.

The early closing and Saturday half-holiday movement is fully maintained.

We have thus brought together a few particulars illustrative of the state of Bradford, under the aspects of the several departments of Social Science contemplated by the Association. It had been hoped that some report of the Commercial Aspects of the Town, under the newly added Sixth Department of International Law, might have been supplied. That, however, we have been unable to obtain. The whole, indeed, must be regarded as an attempt to bring into a framework a few only of the more remarkable features of the social state of the town, rather than as a completed and connected picture. Should it in any way further the objects which the Association has in view, the authors and compilers of the report will feel that they have not altogether laboured in vain.

J. H. RYLAND, *Secretary.*

Opening Address

BY THE

RIGHT HON. LORD BROUGHAM AND VAUX,

PRESIDENT OF THE ASSOCIATION.

THE Sixth Congress of our National Association is opened in unhappy circumstances. We had reason to hope, from the last interview with which he honoured me upon our proceedings, that this Chair would have been filled by the Prince whose loss the whole world deplores, whose life was devoted to promote the social sciences, who never had but one object, nor felt but one desire—the strict discharge of all his duties: his duty to his family, his adopted country, and mankind. Prevented by his position, and still more by the sound judgment that never failed, from mixing in general society, few only could estimate his great capacity and accomplishments, though all knew his virtues. But those with whom he formed acquaintance, or transacted business, were deeply impressed by his candour where he differed; a candour not of courtesy or condescension, but the reflection of his just and honest nature; and where he agreed, by the acuteness, calmness, and sagacity of his judgment, the fulness and accuracy of his information, and the originality of his suggestions. In the selection of subjects for his exertion and his supporting influence, he turned instinctively to furthering all general improvements well considered, and therefore safe. He was especially the friend of the people—the poor man's friend. Herein he well deserved a place in that class the most eminent of all, and the least numerous—those who live in advance of their own times. That the irreparable loss of such a man should be universally deplored by all, without distinction of rank, or party, or sect, is no marvel, for all have suffered. But our duty as subjects directs our respectful sympathy towards her on whom this blow has fallen most heavily, over whom he still watches, and to whom, on leaving earth for the Heaven that sent him—

> "Weep not, he said, at Nature's transient pain,
> Congenial spirits part to meet again."—*Pleasures of Hope.*

But let all men of exalted station and commanding influence set before their eyes the career of this great and good Prince, ever bearing in mind the universal renown which he acquired, the affection and veneration which he inspired; and let them be well assured that, contrary to what so generally happens, his imitators will have no second or subordinate place; for the glory gained and the happiness enjoyed by following his bright example will be equal to his own, now the object of their envy and wonder.

The Prince's anxiety for the interests of peace, as well as for our progress at home, gave rise to his great and most successful plan of the International Exhibition in 1851 and this year, as well as to the Statistical Congress of 1860. When he deemed his efforts or his influence useful, he despised not the more humble subjects of discussion. Witness his most able address at the meeting of the Servants' Provident Society in 1849, when he found it proved that domestic servants form the largest class of the Queen's subjects. But he was urgent with us also to give our Institution as much as possible an European character; and it was chiefly on his suggestion that we undertook many inquiries connected with the trade and the usages of other countries, and afterwards founded an International Department. The attendance of distinguished foreigners, especially from France and Belgium, has in consequence been considerable, both at the Glasgow Congress and that of Dublin. But we have the satisfaction of receiving this year a much larger number, whose assistance will be invaluable in sharing our labours. An international association, like our own, for promoting Social Science has been formed at Brussels, mainly by the exertions of our able and worthy colleague, M. Corr Vandermaeren, Judge of the Tribunal of Commerce. M. Vervoort, President of the Chamber of Representatives, and M. Couvreur, Secretary of the Association, represent it at this Congress with M. Corr Vandermaeren. On this occasion we have conjoined with our meeting that of the *Congrès de Bienfaisance*—a body which has already met at some years' interval in Brussels and Frankfort, and has obtained the support of many distinguished philanthropists, both on the Continent and in this country. We offer a cordial welcome to this body, which, though it does not range over so wide a sphere as our own and that of Brussels, being restricted to questions of benevolence only, undoubtedly comprises many of the subjects of our investigations, and may usefully exchange information with ourselves. We rejoice to find that it intends electing to preside over it on this occasion our eminent colleague the Earl of Shaftesbury—a representative

of British philanthropy, which may not fear a comparison with that of any other nation in the world. A committee has been formed in Paris for promoting the establishment of international colleges of Education, and is represented here by M. Eugène Rendu, Inspector-General under the University of France.

It is with the greatest satisfaction that we have found since our last Congress a continuance of the progress, in which we then rejoiced, made by foreign countries in the various branches of Social Science, and by some countries in its only true and secure foundation—the improvement of Constitutional Government. But it is a happy and a proud reflection for the times in which our lot is cast, that our age is undoubtedly one of progress. The public opinion of Western Europe has penetrated into its Eastern portions. The Czar is strenuously occupied in the enfranchisement of the labouring classes; he may be expected to lighten the pressure on his Polish subjects, and to give them a separate government and restored nationality, though upon absolute principles. Even the Sultan has resolved to visit our neighbours and ourselves, having adopted in his policy, both commercial and financial, suggestions, the result of our experience. Our old ally, Austria, is disposed to improve her institutions; and possessing, more than other countries, the element of a working aristocracy, if she establishes a representative Government on liberal principles, the best security will be obtained for the peace of the Continent. Her commercial development, too, is of immense importance to us; she having, except cotton, every one raw material that we want, and requiring all that we manufacture. The great want of internal communication being supplied by the railways in progress, not only her trade with us will be incalculably extended, but she seems destined to be our high road to India;—Vienna and Constantinople being the chief stations between London and Calcutta.

The egregious error of Prussia in abandoning her liberal policy has served at once to cause the application of a speedy corrective, and to afford a new and signal example of the inestimable advantages possessed by constitutional government in maintaining sound principles and preventing the excesses, whether of royal or of popular supremacy. The lesser States of Germany are on some important matters divided among themselves; but their disputes are conducted without endangering the general peace, because the questions at issue are in the hands of the sovereigns, together with the chief members of the communities.

The kingdom of Italy appears at length to be secure of

the only thing wanting to its consolidation—the Capital; and it may expect the termination of the worst government in the world—the Papal temporal power; for it is inconceivable that the tyrant who has been dethroned and expelled from the South, should any longer be allowed, with the help of that power, to foment dissensions which consist only in supporting hordes of robbers and murderers, whose inhuman outrages minister to his revenge by tormenting the people he can no longer oppress. But it will not be enough to withdraw from the service of anarchy, pillage, and assassination. The people of Rome have a right to enjoy with their fellow-countrymen of Italy the unspeakable benefits of a rule which secures liberty without licentiousness, and protects them as well from the oppression of a sovereign as from the more intolerable thraldom of the mob. Thus we may live to exult in contemplating a change that humanity has everything to rejoice and to glory in, nothing to be ashamed of: anarchy and servitude at once removed; a crown changed from elective to hereditary; all foreign cabal banished; no price paid in blood; no treacheries, no intrigue, no system of slander more cruel than the sword, no insults on religion, morals, or manners; no spoil, no confiscation, no imprisonments, no exile. This happy consummation, which these words of Mr. Burke * will then aptly describe, may be peacefully brought about without force by the influence of France, and the Italian kingdom her ally.

But the French themselves have been great gainers by the events that have happened since our last Congress. The new licence so wisely given to parliamentary proceedings has been attended with none of the evils or the perils which at first haunted timid, because unreflecting, persons. The debates have been conducted generally with calmness, and entire liberty of speech has been given to the very small minority which opposes the Government. Though the great vice of the system continues with little abatement, the open exercise of ministerial influence to control the elections, and the result of the debates on contested matters has thus been chiefly in favour of the Government, in one or two remarkable instances it has received a check, and in others its conduct has been swayed by the desire to avoid attacks which were sure to reach the country as soon as made in either Chamber. This action of public opinion upon the course of the Government is indeed accidental rather than regular, and is slight compared with what it would be if elections were free and the press uncontrolled;

* Appeal to the Old Whig.

and, above all, if the administration of justice in the case of political offences were entirely pure. Corruption there is none among the judges; but their promotion depends upon their giving satisfaction to the Government, and such offences are subject to police jurisdiction, as well as that of superior functionaries. It is to be hoped, indeed it is fairly to be expected, that the liberal measures already adopted will be followed by others, so as to give the public voice the same regular and powerful influence in France which it has in England; and this must be the wish of all, *both here and elsewhere*, not merely from the goodwill we bear towards our justly celebrated neighbours, but from the intimate conviction that the interests of peace cannot be more effectually secured than by the people of both countries possessing a real weight in the administration of their affairs—*both here and elsewhere* is it devoutly to be wished, because the people of all countries, as well as ourselves, are undergoing the heavy burden of preparations to secure themselves against a risk of war,—a risk to which the united public voice of France and England must at once put an end.

But the present unhappy state of affairs in the New World is calculated to withdraw our attention from all other countries, and fix it upon the fortunes of our kinsmen, and the lessons which their institutions, or their errors, are fitted to teach. A civil war has for twelve months raged among them far more dreadful than that the prospect of which, on the banks of the Rubicon, struck horror through its author's limbs, made his hair stand on end, and stayed his steps;* a war waged, not by a few thousand soldiers on either side, but by the whole people, frantic with mutual hatred, filled with a thirst of vengeance, only to be slaked by each other's slaughter. The prevalence of epidemic slander and falsehood in all their forms makes it impossible to trust the accounts which reach us. But enough is certainly known to prove that the conflict, beside the misery its cruelties inflict, must last long enough to impoverish the country in all its resources, and whatever be its results, to leave the people filled with bitter feelings which deprive peace of all the blessings that goodwill can bestow. The afflicting scene, distant though it be, has been regarded here with as lively an interest as if it lay in our immediate neighbourhood, with every disposition to put the most favourable construction

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* —— "Tunc perculit horror
Membra ducis, riguere comæ, grassumque coercens
Languor in extremâ tenuit vestigia ripâ."
LUCAN, *Phars.* ii. 195.

upon the conduct of all parties, and with the fixed resolution to take no part in the deplorable contest. The Government has not only maintained the most strict neutrality, but withheld all expression of opinion upon the matters in dispute—all intimation of a wish as to the result; and in preserving this passive attitude, enjoined alike by wisdom and justice, it has also been the faithful representative of the nation. The earnest and universal desire of the people is to see an end of this most miserable war; and the only apprehension of rational and reflecting men is lest it should leave such a recollection of its dismal horrors, as may hereafter prevent improvement where further separation might be expedient, as the remembrance of the Reign of Terror in France has for nearly seventy years made the people submit to everything rather than risk the recurrence of that calamitous time.

But a solemn and practical lesson is taught by these sad events; and the conduct of the Government on both sides is plainly to be deduced from its structure. The influence of the multitude is supreme, though sometimes disguised and occasionally overcome by the exertions, most rarely by the counsels, of the wealthier and more intelligent portions of the community. In all ages the tendency of democratic rule has been to promote war; while aristocratic states, from Sparta downwards, have been fond of peace. But the conduct of the operations of war, as well as engaging in that evil course, is to a great degree in the hands of the multitude, when their voice prevails in the counsels of the state; that is to say, those who are wholly ignorant and unfit to advise are predominant over the skilful and well informed. Does a General displease them, they require his removal—it may be his punishment. It is in vain that the chiefs of the state resist the demand; they are compelled to obey. This obedience, this yielding their own opinion to the pressure of the multitude, is the gravest offence that rulers can commit. Thus in France Generals who had gained victories again and again, like Luckner and Custine, were sent to the scaffold, when a partial reverse, or an alleged slowness to carry on operations dictated by the Paris Clubs, raised a clamour against them. Thus a Prince, the most accomplished warrior and statesman of his age, Bedford, tarnished his great reputation by yielding to the multitude, and sacrificing the Maid of Orleans to their fury, well aware that she had committed no offence, and was a prisoner of war, after rendering services beyond all price to her sovereign, the Duke's ally. But a yet more memorable instance of this heinous crime, vainly sought to be disguised under the name of weakness, is the Great Sacrifice, suffered,

nay designed by Providence, acting as ever through second causes: the giving up our Saviour by a governor who thrice over declared his belief in the innocence, nay in the Divine mission of Jesus, but unable to resist the clamour of the mob, referring to Cæsar, and using his name as well as the high priest's,—a Church and King mob; and when we hear sceptics, or rather unbelievers, commending Pilate for his fairness in declaring the mob's Victim guiltless, and his courage in standing up against the priests their leaders, it is exactly that which works his condemnation, and of which he himself distinctly expressed his shame, ascribing it to his blameable weakness, as all do who have acted this atrocious part when the danger is over which they have escaped by their baseness. He in truth confessed himself guilty of murder. He fell into universal and merited contempt, and being removed from his government, died by his own hands.

And let it not be supposed that such extreme and rare instances as we have been contemplating, are the only ones of criminal submission to the influence of the multitude. The tyrant of many heads, like the single and ordinary one, does not always rule his slaves with a rod of iron—does not constantly exact enormous sacrifice. But if the first submission be not stoutly resisted, the tyrannical power despises all bounds; caprice is added to domination, while submission becomes a habit, and the reign of reason and knowledge is at an end. Unbounded calamities overwhelm the state bent under the yoke of the multitude; and that yoke cannot be shaken off without a dreadful struggle, involving new and more painful sufferings.

The lessons taught by the sad events in the once United States, and by the faults in their constitution, have been stated; but there is happily a spot in the recent aspect of their affairs which is most pleasing to contemplate, and whose brightness we may anxiously hope no outbreak of the multitude will be suffered to obscure. The Northern Government, to its infinite honour, has at length agreed to the mutual right of search—in other words, to abolish all that remains of the Slave Trade. It has long been known that the greater part of that infernal traffic is carried on in American ships sailing under false colours, none of their own cruisers interfering effectually. Both the English and French cruisers can now visit each suspected vessel; and the traffic is at an end. I regard this as the second real blow struck at the Slave Trade. The first was the Act which I had the happiness of passing through Parliament, just half a century ago, for punishing it as a great crime, instead of treating it as merely contraband,—a law soon after

upon the conduct of all parties, and with the fixed resolution to take no part in the deplorable contest. The Government has not only maintained the most strict neutrality, but withheld all expression of opinion upon the matters in dispute—all intimation of a wish as to the result; and in preserving this passive attitude, enjoined alike by wisdom and justice, it has also been the faithful representative of the nation. The earnest and universal desire of the people is to see an end of this most miserable war; and the only apprehension of rational and reflecting men is lest it should leave such a recollection of its dismal horrors, as may hereafter prevent improvement where further separation might be expedient, as the remembrance of the Reign of Terror in France has for nearly seventy years made the people submit to everything rather than risk the recurrence of that calamitous time.

But a solemn and practical lesson is taught by these sad events; and the conduct of the Government on both sides is plainly to be deduced from its structure. The influence of the multitude is supreme, though sometimes disguised and occasionally overcome by the exertions, most rarely by the counsels, of the wealthier and more intelligent portions of the community. In all ages the tendency of democratic rule has been to promote war; while aristocratic states, from Sparta downwards, have been fond of peace. But the conduct of the operations of war, as well as engaging in that evil course, is to a great degree in the hands of the multitude, when their voice prevails in the counsels of the state; that is to say, those who are wholly ignorant and unfit to advise are predominant over the skilful and well informed. Does a General displease them, they require his removal—it may be his punishment. It is in vain that the chiefs of the state resist the demand; they are compelled to obey. This obedience, this yielding their own opinion to the pressure of the multitude, is the gravest offence that rulers can commit. Thus in France Generals who had gained victories again and again, like Luckner and Custine, were sent to the scaffold, when a partial reverse, or an alleged slowness to carry on operations dictated by the Paris Clubs, raised a clamour against them. Thus a Prince, the most accomplished warrior and statesman of his age, Bedford, tarnished his great reputation by yielding to the multitude, and sacrificing the Maid of Orleans to their fury, well aware that she had committed no offence, and was a prisoner of war, after rendering services beyond all price to her sovereign, the Duke's ally. But a yet more memorable instance of this heinous crime, vainly sought to be disguised under the name of weakness, is the Great Sacrifice, suffered,

nay designed by Providence, acting as ever through second causes: the giving up our Saviour by a governor who thrice over declared his belief in the innocence, nay in the Divine mission of Jesus, but unable to resist the clamour of the mob, referring to Cæsar, and using his name as well as the high priest's,—a Church and King mob; and when we hear sceptics, or rather unbelievers, commending Pilate for his fairness in declaring the mob's Victim guiltless, and his courage in standing up against the priests their leaders, it is exactly that which works his condemnation, and of which he himself distinctly expressed his shame, ascribing it to his blameable weakness, as all do who have acted this atrocious part when the danger is over which they have escaped by their baseness. He in truth confessed himself guilty of murder. He fell into universal and merited contempt, and being removed from his government, died by his own hands.

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adopted by America, but never till of late really executed. Let us hope that our Government may be encouraged by this important success to use with Spain a language no longer capable of being misunderstood, and peremptorily to demand the execution of the contract for which she received so large a sum of money, and which she has ever since most scandalously broken in all manner of ways, making the Slave Trade a regular means of enriching her colonial governors sent to recruit their ruined fortunes by bribes from felons, the result being the importation into Cuba of forty thousand negroes yearly.

The American civil war has severely affected this country, (as well as France,) producing great distress in all those districts where the cotton manufacture forms the staple trade. The subject is too painful to dwell upon, were we not relieved by observing the truly admirable behaviour of those who suffer the most. The distress has brought into view the happy advance of our artisan population in the branches of knowledge most essential to their well-being. The hardships which they are enduring have not disturbed their minds, or shaken their faith in principles which they had, upon examination and reflection, adopted in prosperous times. They know that the want of the raw material which sets their industry in motion, would not justify England in using her power to break the law of nations for the purpose of obtaining it; and they assent to the wise and just forbearance of our Government without a murmur. Their patience under sufferings beyond all former experience is truly affecting. They have made noble sacrifices to maintain their position as self-supporting members of the community. How unlike this to the blind fury of their predecessors, who in their ignorance always rushed to the conclusion that every calamity under which they suffered was brought on them by the rapacity, or the cruel, callous indifference of their superiors in social position! Not satisfied with most patient endurance, they have sought how their resources might be best husbanded by co-operative associations, of which the number has been greatly increased since I described their proceedings at the Congress before the last. Enjoying the great advantage of Mr. William Cooper's assistance, (Secretary of the parent society at Rochdale,) I am enabled to state that there are now above 500 of those admirable institutions in the island; and their importance may be estimated by this, that 273 of them have 69,000 members, a capital of two and a half millions, and their sales for the last quarter were upwards of £560,000. Co-operation is becoming a power in the State, and strenuous endeavours are making to mould the laws regulating those institutions into the best form for secur-

ing their permanence, and adaptation to their objects. Improvements will doubtless be made; but on two points of importance I agree with our learned colleague, the Recorder of Birmingham, Mr. Hill, in thinking very erroneous views have been taken—one is, enabling persons to sell their shares, thus converting the Society into a joint stock company; the other, enabling them to lend their capital, so as to involve it in all the risks of the borrower's speculations. It is to be hoped that Mr. Hill will lay before the Congress his views on these matters, which he has thoroughly examined and considered. The subject of co-operation is the more important, because it is comparatively in its infancy. It may perfectly well embrace branches of industry beyond those to which it is now confined; nor is there any reason why country labour, as well as town, should not come within its scope.

It is most gratifying to find, in addition to all that has been said touching the excellent conduct of the working classes, that the distress of the times (the *male suada fames*) has been attended with no increase in the number of crimes. On the contrary, there has been a marked diminution in the number of commitments. The charge of Mr. Armstrong, Recorder of Manchester, and the accounts from Blackburn and other places, testify to this fact. Our revered friend Mr. Clay, late Chaplain of Preston Gaol, used to account for this, when it happened in former times of distress, by the enforced temperance which it occasioned,—a doctrine much disputed by others, and which will have full examination at this Congress, as it is to be devoutly hoped will have all measures and plans connected with that great subject, and tending to root out intemperance, the mother of distress and nurse of crime, with which our excellent and useful Sister, the Grand Alliance, wages unceasing and successful war. Would it were possible to explain the diminution of offences by the enlightened treatment of criminals! As regards juvenile offenders, the Reformatories must be allowed well to account for it. We find from a most able magistrate's, Mr. Sneyd Kynnersley's, account of the Birmingham convictions in 1862, as compared with 1856, that for the same period in the last year they are about one-third of the number six years ago.

The important subject of criminal treatment occupied much of our attention at the Dublin Meeting, where we had the means of examining on the spot the working of the Irish Convict System. On that occasion we had among us judges, magistrates, managers of Reformatory schools; in short, an array of persons who had made both the theory

and practice of Reformatory discipline, whether applied to juvenile or adult criminals, their careful study for years. Not satisfied with observing the means employed, we availed ourselves of the opportunities freely offered to us by Captain Crofton and his colleagues, of testing the result actually obtained. Masters who had received discharged convicts into their service were visited, and no pains were spared to verify the report which we had received of their good conduct. In many instances conclusive proof was given of the permanent good effects wrought by the training which the prisoners had received. The masters who already employed convicts went themselves to the prisons, to engage other prisoners who were on the eve of discharge, lest they should be too late by the time the discharge was completed. The conclusion at which we arrived, so far as I know, was unanimous. It placed the Irish Convict System far above all others which had been subjected to the test of experience, for its success in accomplishing the great object of its institution,—the reformation of the criminal; and I may add that what we witnessed in Ireland has created an ardent desire throughout England, that we may as soon as possible enjoy similar advantages at home. Perhaps it was fortunate that we did not delay our visit to Dublin, since Sir Walter Crofton has now been compelled, by the failure of his health, to withdraw from the conduct of the system, of which he is the founder. It is true he is succeeded in the chief command by his friend and colleague, Captain Whitty, who, I have no fear, will continue to justify the confidence which his long and able services have gained. But it must be remembered that the essential characteristic of the Irish System is, that the convicts are not dealt with in masses, or by routine, but individually. Each is treated not as a fraction of some large body, but as an integral being—an individual man whose idiosyncrasy is to be accurately studied and ever kept in view. It is needless to point out that such a scheme of operations calls for an amount of labour in the conductors which can scarcely be overrated, and the loss is not that Captain Whitty is now added to the staff, of which indeed he has long been a valued member, but that Sir Walter Crofton is withdrawn. We do not therefore disparage the former in expressing deep anxiety lest the working of the system should be found to suffer grievously from the loss which it has just sustained. A most able and conclusive paper to which I have had access, on the general subject of Reformatory Discipline, will, I trust, be laid before the proper department. The difference of opinion which exists on this subject will be fully considered, and Sir J. Jebb, and those who agree with him, will be fully heard.

The great evil, indeed the extreme danger of occasional legislation, has often been acknowledged. Some abuse gives rise to complaint; the misconduct of a public functionary has had mischievous effects; or the proceedings of a court have given general dissatisfaction, and a remedy is desired. But it may be that the measure adopted to prevent a recurrence of the evil, is merely such as the mischief complained of has suggested, and is devised without due regard to other circumstances; it may be one-sided and confined to the single case that has caused complaint; it may go too far, and on account of an accidental miscarriage make a general change in the law; or it may fall short of the improvement which sound views require, by being empirically confined to the peculiar circumstances of the case. Nothing can be more fit than that the occurrence of actual mischief showing the defects in the existing law, should occasion a legislative change; but the greatest care should be taken to frame any proposed alteration upon enlarged views, and not confine it to suit the particular case. A late trial of Lunacy gave rise to great and general complaint of the judicature, from the prolixity of the proceedings, and the alleged irrelevancy of many matters introduced,—their irrelevancy to the one question before the Court. A Bill has been introduced to improve the procedure in Lunacy generally, and there is great reason to apprehend that it seeks, in material respects, unnecessarily, even hurtfully to alter the law. One important and very salutary change is, the requiring causes of peculiar difficulty to be tried by a judge instead of an officer of the Court, whose authority with counsel cannot be such as duly to control their proceedings. But a most unwise, and indeed absurd restriction, is imposed upon the admission of evidence, a restriction which would have been wrong under the old procedure, but is wholly unintelligible now that a judge is to preside. That the late trial showed the necessity of some change, may possibly be admitted; but the objection is, that the change goes beyond the exigency of the case, and in a wrong direction. It is plainly made to meet the outcry against portions of the evidence adduced.

But there has been another trial of extraordinary length as well as the Lunacy case. A court-martial has been held for a whole month on an officer, whom his colonel and some others in the regiment were desirous of having out of it, when he could not be prevailed upon to leave it; and after examining many witnesses, the sentence was an acquittal on all the charges save one, that he had received an insult, to obtain redress for which he had not taken the proper and lawful

measures. Of this he was found guilty, and sentenced to be cashiered. It being perfectly clear that there were no proper and lawful means, and that the sentence meant to condemn the accused for not fighting a duel, though it did not venture to state this, the Judge-Advocate advised that it should be quashed, and the officer was restored to liberty and to his regiment. The law is undoubted, that no sentence of a military court-martial is valid until confirmed by the Sovereign. The dependence of the army upon the Crown, absolutely and without any qualification, is essential to the safety of the monarchy, which, as Blackstone says, might be intrenched in acts and forms up to the teeth; and yet, unless the sword was held firmly by the Sovereign's hand, it would find its way into the heart of the Constitution. But it may be doubted whether, without in the least trenching on the prerogative, or in any manner of way enfeebling the firm grasp of the sword, leaving the Crown the absolute power, without trial, of dismissing the soldier, yet where a trial has been resorted to, the conduct of it should not follow those rules which justice prescribes, in order that its result may be satisfactory, if not to the party, at least to the public, which in this case means the army, as well as, and even more than, the rest of the community. In the case referred to, the Judge-Advocate had not been present at any part of the trial, nor could his opinion on the gross absurdity of the charge and the sentence have been affected by anything that had passed. But had he been present, he might have seen ground for comment upon the conduct of different persons, the colonel and others, all of which he was prevented by his absence from submitting to the Crown for censure, possibly for punishment. It is impossible to require his, or any other professional man's attendance on all courts-martial. But it might perhaps be expedient to give the presiding officer power at his discretion, in all cases which admit of delay, to adjourn the Court for professional assistance.

In connexion with this subject it may not be inapposite to allude to the practice, which seems to have lately grown up in some of our colonies, of proclaiming martial law by the mere order of the Governor when any disturbance more than ordinary may occur. It cannot be necessary to point out to any constitutional lawyer the utter illegality of such proceedings; but it is well that these irregularities should be made the subject of public comment; and I am glad to find that it is the intention of Mr. Hastings to bring these proclamations under the notice of our Jurisprudence Department.

The character of the officers and the discipline of the army are not more essential to the good of the service and safety of

the State, than the reputation of the legal profession is to the administration of justice. When it is considered, that from the Bar all the judges are taken, enough has been said to show how important is everything that relates to the discipline of the profession. When the great powers are considered which the Benchers of the Inns of Court can indirectly exercise, without control of the judicial authorities, it should seem that a more uniform practice should prevail in these bodies. In one Inn (one of the Temples) a practice prevails of pursuing an investigation respecting the conduct of its members, and those who had not been present at all the proceedings joining in the opinion pronounced. It is an obvious suggestion from a late case, that in any inquiry respecting the personal, that is, the professional conduct of a member, all should be present throughout the proceedings, whose opinion is to decide upon the result.

The measures for facilitating the transfer of real estate, and for securing the title of owners, cannot be classed with the occasional legislation of the season, the effects of the existing law having long been the subject of complaint. But some of the proposed changes are of a nature so questionable, and have been so little discussed in the country, that it is greatly to be hoped their adoption may be deferred until the parliamentary recess affords an opportunity for their full and impartial consideration. The Bill introduced more than once by me should also undergo this discussion. Its object was the extending to freehold and leasehold property the mode of conveyance in those of copyhold tenure, and it was ably and carefully drawn by Mr. Fawcett, for many years keeper of one of the largest customary courts in the North of England. The offices created were much less numerous than those made by the other Bill, and the expenses of these borne by parties more considerable. Mr. Fawcett, at a late Copyhold Court, transferred in four hours, and at little or no cost, twenty properties with indefeasible titles, which, had they been freehold, would have taken as many weeks to convey, and at great expense.

When explaining at our first Congress, five years ago, the great object of the Association, the bringing into full discussion the most important plans, whereon men oftentimes differed from not examining both sides, I referred to the Eastern legend of two knights quarrelling about the colour of the shield that stood before them, and a dervise, or priest, making peace between them by desiring them before fighting to look at both sides, when they found that each was in the right. Unhappily there are too many cases of the combatants being so eager for the fray, that their senses inform them

in vain, or so warped by prejudice that they are ready to maintain, perhaps to believe, that black is white, and white black. It is truly grievous to find that the cause of popular education belongs to a class which creates such partisans. Devoted to this great subject for upwards of half a century, having presided over the celebrated Education Committee in the one House, and brought forward various measures in both, and obtained from my colleagues in the ministry of 1830 the first grant of public money, the origin of the rapidly increasing yearly grants, and of the Privy Council jurisdiction, I may be pardoned for feeling a peculiar interest in the expenditure of the sums given, and in the progress of the plan, and for sharing largely in the astonishment felt by all reflecting men, real friends of education, at the attempts made to assert a vested interest in teachers or school inspectors, because they have been engaged and employed—a determination to insist upon payments by the State, but to exclude all effectual valuation of the instruction paid for. To check boundless expenditure, and correct or prevent systematic abuse, was the chief object of the revision applied to the Code. This became the subject of violent controversy, not untainted by party feelings; and though some of the best portions of the plan remain, much that was highly important has been abandoned. The grant is no longer given exclusively on examination, nor is the examination regulated by age.

At the private meeting held in 1857, on constituting this National Association, there attended, among others, Mrs. Austin, a person distinguished for her talents and learning even in the learned family of the Taylors of Norwich, to which she belongs; and who, since the irreparable loss sustained by the science of Jurisprudence in the decease of her husband, has conferred inestimable service by the able and judicious publication of his celebrated work. She desired it to be distinctly understood that she belonged not to the party, however estimable in many respects, who maintained what were termed the "Rights of Women," especially in respect of political influence. She was fully assured, and other ladies present joined in the disclaimer, that no such views were entertained; but that whatever most conduced to the well-being and comfort of our sisters, formed an important branch of Social Science, and came within the scope of our plan. The great importance of this subject was strongly felt at our first Congress, when we considered the vast proportion of women actually employed in working for their bread,—three-fourths of the adult unmarried women

in the Island, two-thirds of the widowed and one-seventh of the married, being employed in independent or insulated labours, beside the multitude of wives, daughters, and sisters who share in the work of their relatives, at the counter, in the dairy, or by the needle. Their employment in the factories of Birmingham, where we then assembled, gave rise to an important paper and discussion. Their general industrial employment was treated of in another paper, and various lines of business were pointed out in which women might be advantageously engaged. It is manifest, therefore, that our Association at its very first meeting felt the importance of this subject, and entertained it zealously.

The next Congress at Liverpool followed up that discussion, and by the exertions of several ladies, a society in connexion with the National Association was formed "*for promoting the Industrial Employment of Women.*" The providing employment for educated women was the wise and benevolent object which these benefactors of their sex had in view; and no doubt the sufferings of this important class are such as humane and reflecting persons cannot contemplate without the most painful feelings. I had the great satisfaction of announcing at the Glasgow Congress that Miss Faithfull's Printing Press, where the compositors are women, had proved eminently successful, and had received the sanction of the Queen's approval, signified in a gracious letter, written by Her Majesty's commands. Our *Transactions*, both of that year and the next, have been printed at this, the *Victoria Press.* At the last year's Congress, in Dublin, many papers were read, and discussions held on the various branches of the subject; a Society was formed, which has worked successfully, and among other considerable improvements, women have been since employed on the Telegraphs in very large numbers. It is highly gratifying to find that most important measures have been taken at Edinburgh, for meeting the evils complained of in all their forms, and with a degree of judgment and circumspection equal to the benevolence of the parties, so as to weigh all objections against each proposal, to remove the difficulties that exist, and to avoid the rocks on which benevolence too often makes shipwreck, and thus falls short of beneficence,—the point at which it becomes not only a virtue, but a good.

The establishment at Edinburgh of the Society for the Employment of Women deserves the greatest attention, because of the singularly practical views with which it has been conducted, and the service it has rendered during the year of its existence, and the still greater things which it is engaged in adding to its present labours. It may truly be

said that any one of its operations, simple and obvious as they are, but hitherto neglected, would be a great benefit conferred upon the industrious portion of females in the community. It has established upon its premises a *Register* for women not for domestic servants, there being other registers for them, but for governesses of every kind, for copyers of papers, for amanuenses generally, for secretaries or their assistants, for shopwomen and saleswomen. All persons seeking employment of any of these descriptions, giving their names and addresses, whoever is in want of such has the means at once of making inquiry; and if the names of those who recommend any individual are also given, a great and often unnecessary trouble is spared. But beside the Register, the Society supplies waitresses; and those who have gone out from it give great satisfaction. It is needless to add, that if a woman is well trained to wait, many prefer her to a man waiter. Indeed, so impressed was one of our colleagues, a distinguished and popular and wealthy member of Parliament, with their superiority, that for many years he never had a manservant to wait at his hospitable and well-frequented table, nor did any one ever doubt of the great superiority of the service which was there found.

The Society has introduced female hair-dressing by means of a female hair-dresser well taught in London; and they have introduced other crafts with success. But we must refer to a very important Register which they have established, the *Register of Benevolence*, in which are received *first*, whatever half-worn clothes, pieces of furniture, odd volumes of books or duplicates—in a word, whatever any kindly disposed persons may be inclined to send, rather than sell or exchange, as they otherwise would, for little or no price or value. The Society easily finds persons thankful for such assistance, receiving it in private and without a wound to their feelings. Donations of money are likewise received and applied with the same regard to the feelings of those relieved. *Secondly*, the registrar keeps an account of all charitable and religious societies, with a copy of such of their reports as can be obtained; and the use of this, both in giving information and affording the means of fuller information, is obvious. Many who have only a vague notion of the existence of such societies or charities, may yet be directly or indirectly interested in them and their proceedings.

Other objects are now added to these in the Society's labours. A Committee has been formed to co-operate with that appointed at the great meeting, over which Dean Ramsay lately pre-

sided, in promoting the emigration of females to our Colonies; a subject which has given rise to some controversy, and has brought a very salutary warning from persons acquainted with these settlements, and with the consequences of ill-considered plans. Instances have been adduced of poor governesses, who, on their arrival or soon after, were cast upon the world, without the means of paying the postage of their letters to their family at home. But beside the care required in providing means of support until employment is found, the greatest pains should be taken to send only persons well qualified in whatever line the emigrant is destined for, and merely necessitous circumstances should not be deemed a ground for emigration; nor should the primary object be to find husbands. This may be incidental to the removing, but the ground should always be—the special qualification for some branch of gainful industry. Miss Rye has added the encouragement of emigration to her other good works in behalf of female employment; and she, as well as Miss Parkes, Miss Faithfull, and others with whom she co-operates, are most grievously misrepresented, probably because misunderstood, when supposed to have for their object the setting up women in antagonism to men; whereas the whole design is to make them fellow-labourers with our sex.

The Edinburgh Society has established a Register for sick-nurses, at the urgent recommendation of the medical body. Thus the name and address, with the character of a nurse, can be at once found in any case of need, without the delay, uncertainty, and risk that now prevails. This subject cannot be mentioned without reminding us of that truly blessed institution in France, which it is lawful to hope we may ere long see imitated in this country,—the *Sisters of Charity*, of whom I spoke at our Bradford Congress. They not only bear comfort into the hospital, but beyond its walls; render invaluable help to the physician, in disarming disease of its pains and discomfort; and lend not superfluous aid to the pastor in disarming death of its terrors. They have earned the united blessings of a people that can hardly ever agree in feeling respect for any existing institution; they have made their name revered by all. When I attended M. de Tocqueville's funeral at Cannes, there was no feeling more generally expressed by all, than their comfort at his having had for the last weeks of his life the inestimable advantage of their attendance and care.

The last benefit conferred by the Edinburgh Society on the female community, is the opening of a Waiting-room on their premises next month, to receive those coming from the country, or between their engagements in town,—a place where they

can be more quiet and retired than in the shops commonly resorted to; can have their letters and parcels addressed, and can have refreshments supplied from the confectioners below. The want of such a place has long been a ground of complaint in Edinburgh, and, we may add, in most of our English towns; nor is there any one of considerable extent which could not well obtain this convenience, at a moderate cost. It would give women all the benefits for which clubs are chiefly prized by men.

The amiable and highly-gifted daughter of my venerable friend, the late President Hope, shared our labours two years ago at Glasgow, and contributed valuable assistance in several departments of that Congress. I believe it is mainly to her zealous but judicious exertions, that we owe the success of the Edinburgh Society; at least from her we have derived the benefit of statements to which the most implicit faith is due. For though in all philanthropic designs she has the confidence which her name betokens, her zeal is ever under the guidance of knowledge, and no one is more aware that there can be no hope cherished of schemes, over the formation and the conduct of which sound discretion does not preside. She has, moreover, always held a decided opinion, that in caring for the poor we are too apt to forget the other classes of our sisters; and was the author, I understand, some years ago, of an excellent tract, entitled "*Nobody Cares for the Rich:*" pointing out the duties of wives and mothers in high station, and also describing the pleasures which those who have no families, and who complain of the weariness of having nothing to do, may enjoy by looking out for opportunities of relieving misery, and administering relief and sympathy. This is truly a female duty, and one which women are far better able to perform than men; and such a Register of Benevolence as the Edinburgh Society has established would enable everybody to perform this duty and enjoy this gratification.

This Congress is happily joined by a far greater body of friends from the Continent than any former Meeting, in consequence of the Affiliated Associations attending by their representatives. But, independently of this circumstance, we have the presence of eminent persons from Germany, France, and Northern Italy;—the countrymen of the illustrious Euler, D'Alembert, La Place, and the greatest of all, La Grange, have come to visit the land of Newton, by universal assent the first of philosophers of all ages, and all countries: and they have seen with incredulous astonishment that the nation so justly proud of having given birth to the greatest of men, has raised no monument to his memory, satisfied that as Pericles called the whole earth the monument of

illustrious men, so the whole universe is Newton's. But if they have thought that for our disgrace we might well feel ashamed, so do they also mark, that of our social state we may well feel proud. They see with admiration, perhaps with envy, a people in possession of rights, secured against risks both from above and below—rights which no regal ambition can encroach upon, no popular delusion betray; an aristocracy, the barrier against domination of one master, and the more insupportable tyranny of the mob; a people informed by a press, subject to no control but the law, and answerable only for offences which the law has declared and defined—a people sharing moderately and safely in the management of their own concerns, but protected from that universal suffrage which, under the disguise of liberty, conceals the instrument of absolute dominion—a people blessed with the pure administration of justice, because distributed by judges who can neither be removed nor promoted, according as their judgments satisfy or displease the possessors of power.

Let us hope that our foreign friends will carry back with them such an impression, not only of the unspeakable benefits derived from our Constitution and the practice under it, but a conviction which all the discussions in the different departments will give them of its perfectly safe working in all respects, and the ease with which the more valuable portions of it may be adopted by other nations. This is more than any former Congress international; the great advantage is manifest of members from different countries communicating freely their views and opinions, the result of their various experience, and it is to be hoped that the discussions in our several departments will afford the opportunity. But even without the variety of Institutions, all have a common interest in our inquiries, and in the deliberations to which they lead. We are engaged in the high and holy work of seeking out social errors, to expose and correct them; social abuses, to put them down; social wants, to supply them; social evil, to extirpate it—in looking for the sufferings of humanity with the purpose of obviating or mitigating them. As there is nothing more delightful than affording relief to the distress of individuals—but few indeed have the means of enjoying this pleasure—so it is in the power of all, and it is their duty to further the great measures which may ward off distress or disarm it of its pain; and whosoever helps this good work may taste the gratification of doing good upon a far larger scale, and be thankful to Divine Providence for having vouchsafed a triumph over evil, which it is more blessed to prevent than to cure.

Address

BY

SIR FITZROY KELLY, Q.C., M.P.

ON JURISPRUDENCE.

IT has been said that the science of Jurisprudence is, with the exception of theology, the most important within the whole compass of human knowledge; and perhaps, when considered in its enlarged sense, as including legislation and its effects upon the well-being of the community, this is no exaggerated statement.

The great object of all legislation is to promote the good of the people; to make them virtuous, wealthy, free, prosperous, and happy. It has never yet occurred in any age or nation, that a system of laws for the government of a people has at once been devised and established, and brought into practical operation; but laws have been enacted from time to time during the progress of a State through the course of ages, from the condition of a rude and barbarous tribe, to that of a numerous, a powerful, and an enlightened nation. And as these laws have sprung in succession from the necessities or exigencies of the moment, the character of the system of jurisprudence established in any particular country has, for the most part, been determined by the events which have marked its history. Accordingly, we find a variety of different constitutions and codes of laws prevailing, at the present day, in the civilized nations of the world. It is not the object of the present discourse to institute a comparison between these various systems; but we may well direct our attention to some of the most marked features of the Constitution and body of laws which have grown up in this kingdom, which must in part form the basis of all future legislation, and which operate, not only upon the thirty millions of people in the British Isles, but, more or less, upon probably one-fourth of the inhabitants of the globe.

We may observe, in the first place, that the Constitution of England is essentially monarchical; and yet it is, perhaps,

peculiar to our own Constitution, that a monarchy with large prerogatives is found to consist with the greatest amount of real liberty ever enjoyed by any people of ancient or modern times. Perhaps some rules of law, which have become axioms among us, have conduced to this inestimable result. The King can do no wrong; but the Minister is responsible and cannot plead the command of the sovereign for any act contrary to law. Hence, while that perfect immunity which is essential to the dignity of the monarch and the safety of the State, is secured by the law, no wrongful act can be committed against any subject of the realm for which the law fails to provide a remedy, by holding the wrong-doer personally answerable.

So, the Habeas Corpus Acts afford a perfect security for personal liberty, unknown to any other system of law. No man can be imprisoned or restrained in his person for a single day, except according to law. By means of the writ of Habeas Corpus he may demand to be brought before a court or a judge, who must inquire into the cause of his imprisonment; and if it appear to be without lawful cause, must at once set him free.

Such, likewise, is the Trial by Jury, which, though now happily introduced into some foreign countries, was, until of late years, peculiar to the law of England. This great institution affords perfect security to the people against the undue exercise of power by the Crown, or by Judges, who were once wholly dependent upon the Crown, and are still appointed by the Crown. The purity of the judicial bench in this country has long been above suspicion; but in earlier periods of our history, when judges were at times partial and arbitrary, cruel or unjust, the trial by jury secured to the subject a share and participation by a body of his fellow-subjects, in any judgment affecting his life, his liberty, his character, or his property. These had every inducement to do justice; and if they set an example, by their verdict, of oppression or wrong, they might find that example followed against themselves, and to their own destruction, by another jury to whom some cause of their own might soon be submitted. Thus, the law is administered to the people by the people themselves, who have a common interest in its righteous operation, and in the perfect justice of its administration.

Another striking feature of our laws is, that all Courts of Justice are open equally to all manner of persons. The King's Writ cannot be refused to any one applying for it. When therefore a wrong has been done to any man, or a right withheld, he may go into a court of law for redress:

the judge *must* entertain his suit; and the case is tried and determined in its turn by the judge and jury, and justice done to him according to law, whatever may be his rank or station, and whatever the amount or the nature of the injury of which he complains, or the wrong which he seeks to redress.

The last of the important principles of our Constitution which I propose to notice, is the law, now happily settled and established for ever, that the people can be taxed only by themselves, or their representatives in the House of Commons; so that while, by other safeguards, personal liberty is secured, no man's property can be taken from him by the sovereign, or any other power in the State, but with his own consent through his fellow-subjects, elected by himself to represent him in Parliament.

Here it is to be observed that all these axioms and principles of our law for the most part belong to the original Constitution of England. They are not laws enacted at any particular time, or on any occasion, by the Legislature; but are among the ancient, or rather the immemorial, usages of the country. And it has been the province of Jurisprudence, or of Legislation applied from time to time to the improving or to the giving effect to the common law, to bring these principles into that systematic and general operation, under which they exist and are regulated at the present day. Thus, the monarchy is as ancient as the common law itself; but its prerogatives have been sometimes enlarged and often restrained by Acts of Parliament, as occasion has required; so personal liberty, which has existed immemorially, has been secured, and its practical exercise facilitated, by the Habeas Corpus Acts and other legislative measures. Trial by jury existed in one form or another in the time of the Saxons; but it has been regulated, and the powers and constitution and qualifications of juries enlarged and defined, by many Acts of Parliament. The immunity of the people from taxation, except by the House of Commons, has existed theoretically for many centuries; but the aid of the Legislature has frequently been found necessary to protect this sacred privilege from the assaults and encroachments of the Crown. The equal administration of justice by every court of law to all classes of the people has, in like manner, always formed part of the Constitution; but many Acts of Parliament, especially during the last two centuries, have been found necessary to afford the practical benefit of the law to the community.

It should ever be remembered by all who study the science

of Jurisprudence, that it is practical experience, and not theoretical or abstract reasoning, however plausible or even logical, that should guide the legislator in the framing of laws for the government of a community. Perhaps the most striking example of the superiority of practice to theory is afforded by the comparison between elective and hereditary monarchy. It is well observed by Gibbon: "In the cool "shade of retirement we may easily devise imaginary forms "of government, in which the sceptre shall be constantly "bestowed on the most worthy, by the free and incorrupt "suffrage of the whole community. Experience overturns "these airy fabrics, and teaches us that in a large society, the "election of a monarch can never devolve to the wisest or the "most numerous part of the people." Then, after observing that in an elective monarchy, it most commonly falls to the army to make choice of the sovereign, the same author remarks: "The superior prerogative of birth, when it has "obtained the sanction of time and popular opinion, is the "plainest and least invidious of all distinctions amongst man-"kind. The acknowledged right extinguishes the hopes of "faction, and the conscious security disarms the cruelty of "the monarch. To the firm establishment of this idea we owe "the peaceful succession and mild administration of European "monarchies." And all history confirms this reasoning. The election by the senate, or the army, of the long succession of Roman Emperors, resulted in a course of tyranny, vice, and depravity in the rulers of the greater part of the globe, during many centuries, such as the world has never witnessed before or since. And in more modern times, the elective monarchy formerly existing in Poland affords little encouragement to the few who yet contend, even in theory, against an hereditary succession.

In the foregoing survey of a few of the main features of our Constitution, the distinction and the connexion between laws, as existing through immemorial usage and legislation, as applied from time to time to improve and give practical effect to laws, become very clearly apparent. Thus the right to personal liberty, existing by the Common Law and confirmed by Magna Charta, where it enacts that no man shall be imprisoned except by the judgment of his peers, or by the law of the land, would nevertheless be in perpetual danger, unless secured by legislation. A man might be sent to prison without cause by the warrant of the sovereign, or of some powerful minister. Magna Charta, indeed, declares that no man shall be imprisoned but by the law of the land; but how is the prisoner to seek redress, or even to make known his imprisonment?

Here Jurisprudence has interposed, and by the Habeas Corpus Acts enabled any one unjustly imprisoned at once to obtain his liberty. The Common Law asserts that the subject is free; the Acts of Parliament enable him to obtain his liberty when he is unjustly imprisoned.

A variety of important but subsidiary questions, however, arise, in what may be called the practice of Jurisprudence. We have forty large, ponderous volumes, containing at least forty thousand Acts of Parliament. We have the vast body of the Common Law to be sought for, if not to be found, in many hundred books of cases, treatises, and decisions. Is the Statute Book capable of a short, simple, clear, and accurate consolidation? Is the Common Law capable of any complete and practicable system of codification?

To the first of these questions we may now unhesitatingly reply in the affirmative. This great reform has begun, and is in active progress. It is impossible to overrate its importance; and it may not be deemed irrelevant on this occasion to dwell for a few moments on the object sought to be attained by the consolidation of the statutes, and on the effect which it is hoped will attend success in the undertaking.

The injurious results of the unreformed condition of the Statute Book were thus represented in an address to our distinguished President in the year 1856, when the first real and practical efforts were making to effect the desired Reform. "The mischiefs and the evils resulting from the present "state of the Statute Book are great and manifold. Every "gentleman who purchases the statutes at large must pay the "price of forty volumes, of which nearly thirty-six are filled with "inoperative, superfluous, and worse than useless matter. "With these forty volumes he must encumber his book-"shelves. When the consolidation shall be complete, four or "five volumes will be all that are required by the statesmen, "lawyers, magistrates, and others, to whom the possession of "this work is indispensable."

"These forty volumes contain above a million of enact-"ments, without order, correction, or reference to each other. "Many enactments, upon totally different subjects and branches "of the law, are thrown together without any obvious necessity, "and without distinction, in a single Act of Parliament, and "often in a single section. Thus, in the 20 Geo. II., c. 42, "are to be found at once clauses concerning the tax upon "windows, and a provision that in all existing and subsequent "statutes England should be deemed to include Wales and Ber-"wick-upon-Tweed. Then the 17 Geo. II., c. 40, continues "certain laws against theft and rapine on the borders between

"England and Scotland; grants certain licences to carry "sugar as there provided; explains two former Acts for "the prosecution of offenders; and prohibits, under certain "circumstances, the retailing of wines. Every one who "has to ascertain the law accurately upon any single sub-"ject, must go through the whole of this vast mass of "matter, in all its complication, confusion, and disorder, "and extract as he best may, those portions of it which "are still the law. It is true that his researches may be "assisted by treatises, digests, and indexes; but these relate "only to particular subjects. All are inaccurate, imperfect, "and unauthenticated. None can be quoted as authority "before the judges in courts of justice. And such is the "vicious system of our legislation, arising from this mixed "and confused state of the Statute Book, that the Acts of "Parliament themselves are not to be relied upon as accu-"rate. Thus the 33 Geo. III., c. 37, cites the 31 Geo. III., "c. 29, as passed in the thirty-second year of that reign. "Two Acts of the 52 Geo. III. cite the 6 Geo. III. as "the thirty-sixth. Another Act cites the 43 Geo. III. as "the forty-fourth. An Act of Victoria cites in several places "the 6 Geo. IV., c. 43, as the 5 Geo. IV., c. 43, which is an "Act upon a totally different subject. The Statute Book "abounds in such and the like errors; and instances are "not wanting of misquotations, not only of the titles, but "also of the language of former Acts of Parliament. Another "source of difficulty and confusion is the antique language "of the older statutes, often of doubtful construction, and "sometimes partially unintelligible; and no less so is the "infinite variety of terms in which the same idea is intended to "be expressed, which is scattered throughout the legislation of "six hundred years."

Perhaps the greatest evil of all, as it affects the community at large, is the utter uncertainty which prevails as to what is, and what is not, repealed. This arises from the vicious practice already noticed, and which pervades the whole body of the Statute law, of repealing some former Acts or enactments, not by express reference, but by provisions that "so much of any former Acts of Parliament "heretofore made, as is inconsistent with or repugnant to "the Act in question, shall be, and is hereby repealed;" or, as continually occurs, by clauses upon the same subject, and for the most part to the same effect as other clauses in former Acts, (but without any express reference to former Acts,) leaving it doubtful whether the later enactments supersede and repeal the earlier, or whether both are still to remain in

force and constitute distinct provisions in the Statute law. The doubts and difficulties, and consequently the vast amount of litigation of which this uncertainty is the cause, are quite beyond calculation. It has been thought that more than half the business of all the courts of law and equity in the kingdom consists of disputed questions upon the construction of Acts of Parliament; and if that be so, it is certain that more than a fourth of the whole is caused entirely by this mischievous course of legislation. It is often found impossible to reconcile these accumulations of enactments; hence the multiplicity of suits, arguments, and discussions, and at length differences amongst the judges themselves, and ultimately of appeals from court to court to the tribunals of the last resort. And if the most learned of the judges are unable satisfactorily to determine upon the construction of these Acts of Parliament, how can the law be well administered while such a system prevails, by the judges of inferior courts, and by justices in Quarter Sessions? Again, these errors being interwoven with the very structure of existing Acts of Parliament, perpetuate themselves, and render it impossible, while the Statute Book remains unreformed, to adopt a purer principle of legislation. Mr. Brickdale well observes upon the effect of this system: "A member of either House about to bring in a Bill, finds that a class is suffering injustice or inconvenience in consequence of the state of the law, which it is his duty to remedy; but he has not before him, in any simple or accessible form, either the whole law on the subject, or any statement of the principle of law which is the cause of the evil complained of; he therefore naturally contents himself with introducing a Bill which remedies that specific evil, and no more; he even carefully avoids any appearance of interfering with principles, for fear of affecting something which he did not intend, or unintentionally opening questions which would lead to opposition, and perhaps frustrate his whole immediate object, the removal of the evil actually felt." Then clauses are added in committee; the author of the Bill and author of these clauses being equally ignorant of a multiplicity of enactments in former Acts of Parliament which will render their Bill inconsistent with the existing law upon points with which they do not intend to interfere, and raise questions of a most doubtful nature, whether the earlier enactments are repealed or still remain in force. The consequence is, that every new Act of Parliament increases the confusion of the Statute Book, and renders it impossible for either lawyers or legislators to determine with confidence, what is, and what is not, the law; and whether the particular measure proposed is

expedient and necessary, or mischievous, superfluous, or nugatory.

"If the great effort now making to consolidate the Statute law be successful, (and it seems to need nothing but the sincere and energetic support of the Government and the lawyers in Parliament to ensure its perfect success,) the forty volumes of the statutes at large will be reduced to four, five, or six, and forty thousand statutes to less than four hundred. The chaotic mass which now constitutes the legislation of six hundred years, will be transformed into a concise, uniformly expressed, and well-digested series of statutes; each statute being confined to a simple subject or branch of the law, but containing within itself, in appropriate and logical form and order, the whole Statute law upon that one subject, and nothing more. Lawyers, legislators, statesmen, magistrates, and public officers having to ascertain the Statute law upon a given point, will find it in a moment, well, and clearly, and simply expressed in the Act to which it belongs, and in which the inquirer may feel assured that he will discover at once the whole of the Statute law upon whatever may be the subject of his inquiries." *

Since the period when these remarks were written, seven out of nine Bills for the consolidation of the criminal law, having undergone the consideration of Committees of both Houses of Parliament, and having been discussed and revised by lawyers and others, of ability and experience, during six years, and the criminal law of Ireland having been assimilated to and combined with the criminal law of England, have now at length passed through both Houses of the Legislature, and received the Royal assent. That which has been done with this important branch of the law may, by the same means and in the same way, be completely effected with the rest. The whole task is now greatly facilitated by the labours of Mr. Wood and Mr. Reily, upon whose works all who have made themselves acquainted with them must bestow the highest commendation. Those who may take part in the performance of this task may differ as to some of the details and minute particularities of the undertaking; but all will agree that the Statute Book may be so dealt with as to consolidate all the effective and substantial Statute law of England and Ireland within the compass of a few volumes containing some three or four hundred Acts of Parliament, divided into and collected in clauses; each Act being upon one subject, and containing the whole Statute law upon that

* Letter to Lord Brougham on the Consolidation of the Statute Law, 1856.

subject. The present state and prospects of this branch of law reform will be adverted to at the present meeting, and the Association will be apprised by some of those who are engaged in this task, of the progress that has been made, and the means by which it may be hoped that the great end will at last be accomplished.

But even this reform, important as it is, will fail in much of its intended effect, and be deprived of half its utility, unless some means be resorted to of conducting future legislation upon the principle upon which the existing statutes will have been consolidated. Whether this shall be done through a board of skilled and experienced lawyers, to whom the preparing or revising of all Bills shall be referred, at some stage or stages, by either House of Parliament, or whether by the appointment of a minister of justice, as recommended by our distinguished colleague, Mr. Napier, late Lord Chancellor of Ireland, is a question of large importance, and one which it would not be convenient to enter on upon the present occasion; but until some such measure shall be adopted by the Legislature, it will be impossible to carry on the legislation of the country without the recurrence of most of the evils and mischiefs which have rendered the reform in progress indispensable. I regret that we do not find this all-important question, or that of the amendment of the law as still administered by what remains of the ecclesiastical courts, among those which are to be specially considered by some of my learned and able colleagues at the Bar during the present sittings of the Association, and I would yet venture to hope that they will not be altogether passed over in silence.

While, however, the consolidation of the statutes may be deemed not merely practicable, but certain, a very different view may be taken of the larger question of codification. What is codification? What do we mean when we speak of codifying the law of England? It is neither more nor less than to write down and express in sentences or sections, the entire common law, or the common law and statute law together, now in force in this country. The extent and magnitude of the task is the first consideration. Tribonian and his colleagues, who undertook to codify the unwritten law of the empire, found themselves compelled to reduce into legal enactments the contents of two thousand volumes, and to express, in appropriate terms, the legal effect of three millions of paragraphs. "Et duo pene librorum millia esse conscripta, et plus quam trecenties millia versuum a veteribus effossa, quæ necesse esset omnia legere et perscrutari, et ex his, si quid optimum fuisset, eligere." The laws of England very

simplify the law and facilitate its administration in courts of justice; but even then such a work, unless made law by Act of Parliament, would be but an ably-written treatise, and would possess no authority which the judges in the administration of justice could submit to or recognize.

But whether or not the law of the country shall ever be reduced to a code, let us take advantage of those opportunities and facilities which the diffusion of the spirit of law reform has multiplied around us, to attempt, if not to do, all that is practicable in the present day. Within the last forty years, we have seen, besides the indirect efforts of general legislation, great and beneficial changes effected in the progress of law reform. Even within the last few years, the transfer of jurisdiction in matters of probate and divorce from ecclesiastical tribunals and the House of Lords to the new court which has been established, and the changes in the law itself administered in that court, in causes relating to probate and divorce—to which may now be added declarations of legitimacy and nationality—and further, the extension of the bankrupt laws from traders to all classes of the people, have accomplished a great and general improvement in the law.

In the wide field of legal procedure the Acts for simplifying the pleadings and process at common law, for enabling judges to make amendments in the record, and, above all, for making parties in suits at law and in equity competent witnesses, (a measure which it is earnestly hoped may, with suitable modifications, be extended to criminal proceedings,) have produced such extensive and important results, that little room is left for further improvement.

On the other hand, we have yet to deal with a variety of important and difficult questions; among others, with that of appeal in criminal cases, in which it may be feared that we have to meet the formidable objections and opposition of judges and magistrates, which, as we have seen upon the question of the competency of parties to be witnesses, may require years of energy and perseverance by law reformers to overcome. So with that of the registration of titles and transfer of land, now before the Legislature, and as to which I would only observe in this place that we must remember those cardinal principles which should govern all legislation; namely, that in the first place, a definite idea should be formed, and kept steadily in view, of the precise object to be attained, so that the expediency and wisdom and safety of the proposed measure may be easily and accurately considered; next, we should inquire into the means by which the purpose in question can be best effected; and lastly, whether both object and

means will be acceptable and satisfactory, as well as beneficial, to the great majority of the people interested.

These, and other subjects scarcely less important, must be the constant object of attention to those who would assist in improving our legislation. But when we compare the present state of jurisprudence in England, with what it was when, in 1828, our illustrious President, in his memorable oration in the House of Commons, for the first time laid open to the public eye the unnumbered defects and imperfections of our law, and foreshadowed the many and great reforms, which three years afterwards he himself began to effect, we may contemplate with pride and satisfaction the mighty change that this period of the third of a century has worked throughout our system; and well may we rejoice that he, the great parent and master of Law Reform, has lived to witness it. To you, the younger members of this Association, now belongs the task of labouring to complete what he so well began. Upon you devolves the duty of untiring and unceasing perseverance in the onward course of improvement, until you shall have placed our jurisprudence upon the firm and lasting basis of reason and justice, and made it to protect and secure for ever the liberty, the prosperity, and the happiness of the people.

Address

BY THE

VERY REV. THE DEAN OF ST. PAUL'S.

ON EDUCATION.

IT has been customary for those who have been summoned to the honour of presiding in the several Departments of the Association for the Promotion of Social Science, to address either the whole Association, or the Section over which he is placed. I am unwilling to depart from an established usage, yet I cannot but feel that in the presence of so many distinguished persons of different countries and orders, it may be of forms of faith, who have long taken lively and ardent interest in the great question of education, nothing that I can say can possess weight or authority, or even suggest thoughts which have not already passed through their minds. But as obedience is the very life of education, I cannot set so bad an example as to commence by refusing obedience. I will only observe, that as this address, on account of the peculiar arrangements of the year, is made, not to the whole society, but only to this separate Department, it will become me, and at the same time relieve both me and my hearers, if I restrain myself to modest, if unusual, brevity.

Education, in the highest sense, is not a branch only, it is the whole of Social Science. For what is the aim and end of Social Science but to train mankind to its loftiest moral, political, intellectual, religious development? Nor is Social Science content with elevating a chosen few—an aristocracy, so to speak, nobler than that of birth, rank, wealth—the vanguard and pioneers in the march of civilization; it would urge onward the mass of mankind towards that unattainable perfection, which looms remotely and dimly on the mind of the true lover of the human race. Unattainable, I say advisedly, even unapproachable; for we cannot have read in vain the solemn lessons of history and experience which rebuke the fond notion of an uniform, unbroken, unreceding progress of improvement. Without any cowardly awe of the mocking and cynical spirit

which scoffs at, as idle and Utopian, any hopes, however modest, of the advancement of mankind; without making ourselves responsible for the foolish notions of foolish men as to our future absolute perfectibility: admitting to the full that, as geologists tell us of the surface of the earth, which seemingly by immutable laws or inextinguishable forces, is here undergoing depression, there elevation, so human society is, and seems doomed to be liable to perpetual fluctuation. The great imperial city becomes a wilderness, the wilderness towers up into a splendid capital, the seat of power, wealth, luxury; one family of mankind now takes the lead of the world, in all that can ennoble, exalt, sanctify human nature: freedom, arts, polity, science, poetry, philosophy, moral dignity, religion; then passes away into base and servile obscurity; another is rising from the lowest barbarism to the highest civilization. A continent, a few centuries ago wandered over by tribes of fierce or brutal, or at best, noble savages, in their interminable forests, boundless prairies, immeasurable morasses, is bursting out, as it were, with millions on millions of industrious, intelligent, to a certain sense moral and religious men; cities rising, in Milton's phrase, like exhalations; nevertheless, even these hopeful abodes of peace, liberty, order, advancement, are not exempt from the old chronic disorders, the epidemic evils of older societies—wars, desolating, fratricidal wars.

Still, no man who reads the history of modern times, no one who looks abroad upon the world, can doubt that a vast change has come over human society, and where there is change there may be improvement; and no one can question that there has been, on the whole, immense improvement. Take one broad fact alone, that European civilization, which from time to time, to whatever height it had attained, appeared, as older history shows, to be doomed to the perpetual invasion of barbarism, usually Asiatic barbarism, which it required centuries to recover; and if it eventually gained from those irruptions in vigour and in greatness, did so at the close of many centuries of servitude, misery, darkness. Now, however, the reverse of this great movement seems proceeding simultaneously in every part of the habitable globe. Europe, European civilization, European laws, European manners, European thought, European knowledge and science, European religion, are everywhere on the aggressive. We see nowhere any cloud, even the bigness of a man's hand, no nucleus for the gathering of new Scythian, or Tartar, or savage hordes, which threaten to arrest, far less to throw back, the irresistible tide of aggression from Europe. Europe is now the hive from which swarm the invaders; it is the *officina gentium* which forges and arms those peaceful

hosts—for their progress is to a great extent peaceful—which are advancing, either as conquerors, more largely as colonists, over vast parts of Asia; are spreading at once at the northern and southern extremities of Africa, and in other parts of its borders; have actually peopled the northern, and are rapidly peopling the southern hemisphere of the American continent; have discovered a fifth continent to subdue and to cover with ceaseless swarms. Australia is altogether European. European civilization may seem indeed to be usurping in possession what the Pope of old usurped in theory—the sovereignty of all the isles of the ocean. That the old barbarism should recover its invasive energy, and win back its lost territories, seems beyond all conceivable possibility.

But it has been long and frequently, and by some eloquently shown that European civilization contains within itself a more formidable and dangerous barbarism. Almost the uniform character of that civilization is, as it can hardly be otherwise, a vast inequality,—not before the law, for that may be remedied, and in some countries is happily remedied by just institutions,—but in social condition. Even if all the ancient hereditary distinctions of birth, rank, title, privilege, were swept away and proscribed, with what I conceive to be unwise hostility, the two dominant forces, which become more and more dominant wherever that civilization extends, wealth and intelligence, are constantly creating, widening, perpetuating that inequality. Wealth, with its palaces, its luxuries, its pomps, will soar upward to an increasing distance, and in stronger contrast with poverty, and its hovels, and its scanty fare, and its hard struggle with want and destitution. Intelligence will in the long run enter into an alliance with wealth, of which it is so often the creator; and wealth indeed will go on almost interminably accumulating its capital, and so exalting itself still higher above the common level.

Now I apprehend the great and legitimate object of Social Science is, to a certain degree—(true philosophy, though sanguine, is ever modestin its aims, its expectancy)—to alleviate the evils of this formidable, to the wise and Christian mind, hateful inequality; to arrest if possible, at least to mitigate, the jealous antagonism which is ever inevitably, imperceptibly arising between these two diverging classes, and becomes more dangerous the wider that divergence. And this not by idle and unprofitable endeavours to check the upward advance of the highest, to prevent the accumulation of capital, on which capital depend the general prosperity and the real progress of the people; not by attempting to defraud or deprive intelligence of its heaven-bestowed advantages: but

by drawing upwards that which has a fatal tendency to gravitate downward; not to dream of the mad impracticability of an equal redistribution of wealth,—a redistribution which the next day would disorganize—but to multiply the truest means of obtaining wealth; the desire—not of a wild scramble, but of slow general improvement, to diffuse intelligence, so that it remain not a mere privilege and distinction, but become common as the air we breathe, accommodating itself as it will, if fostered in the right way, and with sober sense, to the use and employment of every reasonable man; above all, it will devote itself to that ceaseless war against human ignorance and human improvidence, and human passion and human prejudice, and all those enemies to the happiness of man, to his health, to his material well-being, to his moral and religious worth. This is the great palmary triumph of that intelligence, even beyond and above its power and skill in wielding the forces of nature, of making the airs of heaven its ministers of motion, animating by them the most complicated machinery; of conversing by currents of imperceptible fluidity with distant continents; of ascending and measuring the planetary system. The noblest study of mankind, after all, is man; not only this, but the noblest service is that which contributes to the well-being of man; and so is Social Science the *Erziehung der Menschen*—according to the eloquent phrase of a great German philosopher—the education, in the highest sense, of the human race.

I have ventured on these few observations, hasty and utterly inadequate to the subject, to show that moral science is a system of education. I have not dwelt on another most important consideration, that the inevitable consequence of the advance of European civilization seems to be, and seems necessarily to be, the advance of what is rightly named self-government. Speculative writers may call it, and truly call it, the inevitable progress of democracy; but let us avoid all words, unacceptable to some, misapprehended by many. But the more vast and varied the machine, the more it must be maintained by its own intrinsic, all-permeating force. It must be more and more self-sustaining, self-regulating. Unless there be this innate all-pervading element there will be failure, collision, disruption. Social Science, that is, knowledge of the true interests of the whole, diffused as far as possible through the whole, aspires to be that self-sustaining, self-regulating force.

But Education, as a branch of Social Science, must withdraw itself into a narrower, I will hardly admit a humbler sphere, the first elementary initiatory process of education—the education of youth; the primary impulse, as it were, the

earliest communication of this sustaining, regulating force; the first working of the wholesome leaven in the yet almost unconscious mass. Education in this department, in which I have been most unexpectedly called upon to preside, must chiefly confine itself to the earlier, and, as it were, initiatory portion. As it cannot descend too low in its almost parental care, it must take the very infant under its special charge. In the words of Him who was love and wisdom, it must suffer little children to come unto it. So, too, it cannot be too wide and indiscriminating in its operations. It must try to raise the lowest of the low; the ragged, not merely in outward habiliments, but in the raiment of the mind and soul; the bare, utterly bare in all those qualities which are the privilege and glory of man,—the reasoning powers, moral responsibility, religion.

But education in this narrower and humbler sphere—meaning the training, instruction, and discipline of youth—might seem by this time an exhausted inquiry. Year after year come volumes after volumes to enlighten the world on its true principles, and inestimable importance. The realms of Europe (to say nothing of the United States of America, which afford in some parts,—I am inclined to believe in some parts only,—our highest model of general education) look upon each other with curious rivalry. Peaceful ambassadors pass from land to land to examine the systems adopted in different countries. The wisest statesmen devise schemes of education. The most eloquent of men discuss them at incessant public meetings. The noblest, the wealthiest, the most learned, and the busiest of men, not to mention the fairer and more delicate half of humankind, devote their riches, their time, their energies, to what was once the lowly and despised office of school-keeping, or the not less useful function of watching over schools. In the present tranquil, not to say stagnant year, the one question which among ourselves has agitated the House of Parliament, and, it is said, even shook a popular government, was that of the Revised Code of Education. It was no longer peace or war, Reform or Conservatism, the maintenance or the diminution of our seventy millions of expenditure, which kindled and prolonged our debates, but the value and the rights of schoolmasters and pupil-teachers: the question, whether the less than one million devoted to the education of the whole lower classes of the kingdom was wisely and profitably spent. Presumptuous must he be (no one is more convinced of this presumption than I am) who shall think to throw light on a subject not darkened by words without wisdom, but with many words, I doubt not, of true and sound wisdom.

social system,—what is to be done with regard to them? In fine, the primal perpetual questions, What in national education are we to teach, and how are we to teach it? Can we assert that either of these questions is absolutely settled and set at rest?

Let the latter take precedence, How are we to teach?—to teach so as to make the most of the too scanty time very commonly allowed us; to spread our net so widely that as few as possible may slip through its kindly and friendly imprisonment. How to apportion impartially that munificent grant of public and private beneficence which is the right of all indiscriminately, and which it is the deliberate design and object to administer with the strictest justice.

Was it not among the grave questions (I determine not which of the disputing parties was in the right; probably, as usual, there was much on each side both of right and wrong) whether the elementary education of the poor was, after all, elementary? whether the machinery was not too fine for its work; whether, in its ambition to teach higher things, it did not neglect the humbler; whether, in doing certain things, and doing them well, it did not leave others, at least as important, undone: while some of the pupils were astonishing the admiring visitors with their knowledge, their acquirements, their intelligence, simple reading and writing and arithmetic were not utter mysteries to the less favoured many? But even this question must be considered in a calm and inquiring spirit. The secret no doubt has yet to be discovered how to diffuse justly the due care over the different parts of a school; not to give a larger share to those who eagerly grasp after that share; and on the other hand, to force, of course by moral compulsion, their proper portion on those who have no appetite or desire for it; to urge forward the slow and lagging, and at the same time not to bridle too closely or curb the gallant and free-going. This can clearly be no case for law or regulation: to break up the heavy clod, and at the same time, and in the same measure, to keep stirring the light garden soil, which breaks out spontaneously into vegetation; not to take undue pride in that which is a source of honest pride, the progress of the bright and promising; and not to lose temper, not to be discouraged, to the neglect of the obstinately stupid,—this, I apprehend, can be compassed only by the most rigid sense of duty in the master, by the most careful, yet not too suspiciously curious, watchfulness of the inspector. Let me venture here to hint that the somewhat ostentatious exhibitions of our schools, however encouraging to the master, perhaps absolutely necessary to keep up public interest—after all the best and

ability, so to speak, depends on its bodily state. So, when these infants pass to the school, this essential principle must not be forgotten. I must say, that I think among the first, if not the first, duties of national education, is to preserve the health of the children; on that health, if we merely look to the capacity of usefully receiving education, almost everything, in a general sense, depends. A sickly child may be very intelligent, over intelligent; but in general, quickness of intelligence will be much affected by animal spirits, and animal spirits by healthfulness. Certainly, too, the coarse, hard boy may be robust, and at the same time dull and slow; yet even his mental faculties will be rather kept back than sharpened by that which exhausts and wears out the attention. In the more lively, too close confinement, too long and continuous attention, are seriously prejudicial both to body and mind—to the body first, and through the body to the mind. Playgrounds and play are to my mind as necessary as school buildings and school lessons. School-hours and play-hours must be intermingled with jealous care and liberal consideration. And let me inquire whether, generally, our hours of attendance in the schools are not too long, too continuous. I have reason to believe that your thoughts will be directed to this subject by one who speaks with authority on everything which affects the health of the community. I hesitate in adverting to another subject, but it becomes me to be altogether frank and fearless. Is not our Sunday instruction frequently too laborious, for children too long? This instruction is partly in the school, partly—I speak, of course, of Church schools, though I am inclined to think that what I say will bear a wider application—in the church. Are not the ordinary services of our Church too great a strain, I will not say on the attention, for attention, I confess, in the mass of children, seems to be utterly hopeless? And is not a habit of inattention in the church somewhat dangerous? Is the love of church-going (I acknowledge the power of habit) implanted in the young mind by that to which it cannot look back without a reminiscence of its confinement, its weariness? The original Sunday-schools, when they were the only schools, were invaluable. But is it too much to hope that enough of the week-day should be devoted to education, so as to leave on the Sunday, I say not more freedom, but less engrossing and wearying confinement? So many hours of school, so many hours of Divine Service, is not this more than can be wisely exacted from boyhood and girlhood in their fresh, lively activity? I doubt the religious advantage of this; I doubt its tendency to promote the observance of the day of rest.

To revert to the other more important, more divine part of that being which education takes under its charge, I cannot doubt that even the lower education may be so conducted as not only to impart the simplest elements—the use of the tools, as it were, of intellectual life, reading, writing, cyphering, (let the system which does not provide these for the very youngest child be at once proscribed and discarded,) as not only to store the memory with a few conventional phrases and plain facts, but to awaken and inform the reasoning powers, to touch and quicken the heart. Of course, the useful must ever be the primary and indispensable characteristic of the lower education. If it goes beyond the first rudiments of teaching, it ought to have a bearing, of course upon the moral being, but also on the condition of future life. I cannot but think that as different illustrations, almost a different language, may be profitably used, so there may be difference in what is taught; for instance, in agricultural and manufacturing districts. Let the facts which we endeavour to rivet on the memory be, if possible, applicable to the future employment. There are two ways even of teaching the useful: one dry and mechanical, the other active and exciting. Whether we have advanced as far as we wisely may, in blending the useful with the ordinary education, may well occupy the thoughts of reflective and practical men. In the lower female education this is especially worthy of consideration. It has occupied the strong as well as benevolent mind of a lady whose great wealth is her least distinction in comparison with her wise munificence. Every practical contributor to this blending and interpenetrating the whole system of instruction with the necessities of the social being, of making the early knowledge of the child bear prospectively on the possible contingencies of her life, is of inestimable value. I deny not that many processes of teaching may in themselves perhaps appear to tend little to future usefulness, yet may be of great importance as exercises for the faculties. But I am at a loss to see why the two may not be combined. The memory may be as well stored with facts, likely to be producible on future occasions, as well as those of which we cannot anticipate the application. It is said, especially of the schoolmasters, and even of the pupil-teachers, that though they may be examined on many abstruse subjects, intricate geographical questions, historical points little likely to be wanted, grammatical subtleties, yet their capacities are tested by such questions. But I must confess that I have sometimes heard such examinations with amazement; I have come away with the impression that if such knowledge is not for them absolutely useless, it may have the bad effect of making the

masters attach too much importance to such idle knowledge. One of the great dangers of masters, as of pupils, is the desire to shine.

It is not one faculty alone, but all the faculties, which require their due share of culture. It is not the office of education to people the memory with facts, still less with words, not only with historical or scientific facts, you have to people the mind with noble and pure thoughts; if possible, the heart with kind and benignant and unselfish emotions. This may appear the exclusive function, the privilege and prerogative of the higher education. It may seem to demand that wider range of study, that use of more various modes of culture, of the richer variety of books, of a more fully accomplished, more highly-endowed, more completely panoplied mind, if I may so say, in the teacher; more continuous opportunities, more free and generous rivalry, loftier aspirations, than can be found in those who, after all, may have been destined for life to be hewers of wood and drawers of water. It may seem a luxury of education to be indulged in by few. I cannot, however, but think that this is a narrow view of the problem. All children have imagination, all have good or evil passions, all have emotions, affections, not less lively because natural and simple, as well as powers of acquiring knowledge, of registering facts and words. They have all these improvable in a high degree. They have reasoning powers to be evoked and schooled with skill, temper, and judgment. It is the whole child which is to be taken under discipline. I do not think that a good teacher, or a good system of instruction, will neglect, will not strive to improve, even in the lowliest, every faculty with which he is gifted by God, assuredly for some purpose.

I trust that I may speak, at my age and in my position, without offence. But, while almost all are agreed that religion should be an essential part, the groundwork of education in a Christian country, I have long had doubts whether we are quite right in our common mode of teaching religion. I confess that I have often looked on a successful, I may say a brilliant examination of a great school; I have been struck with the quickness and intelligence of the children; nothing, as far as it went, could surpass the readiness with which they have answered the most difficult questions. But still, I have said within myself, are these children who are so ready with the dubious dates and successions of the kings of Israel and Judah, so quick with their Scripture proofs, learned by rote with so much care, and repeated so glibly, (I cannot disguise from myself in the ardour of competition often flippantly,) in

the thoughts and feelings, than to hear them blundered through, without intonation, without any apparent consciousness of their meaning, by boy after boy; the whole class watching with eager emulation, not for the sense and solemn signification of the words, but to catch the reader in a mistake and take his place. Teach religion, I say, by all means; but teach it religiously, not in the same light and easy manner in which you teach the commonest household things.

I have no doubt that much which I have ventured to say is, especially to many of my hearers, neither new nor original. It is impossible (to confine ourselves to our own country) that throughout the kingdom, I should rather say the three kingdoms, so many highly-gifted industrious men shall have been labouring, not merely in the high places of the land, but in the most remote and secluded villages, and should not have struck out, through practice and experience, all these principles which the less busily employed may have speculated on in the study. Take the returns, the reports of the Inspectors (I admit to the utmost the startling, the almost discouraging judgments formed by some of them) to the strict letter, yet there can be no question that the education of the country is, and has been, making most hopeful progress. We are prepared to hear from our foreign friends what results they can communicate, whether they be such as flatter our pride or put us to shame; to hear them with the utmost impartiality, and to compare their work with our own in the spirit of no ungenerous or unjust rivalry. Bearing in mind, as we must bear in mind, that education must be national,—that the German, the Frenchman, the Italian, the American, must educate their children to be Germans, Frenchmen, Italians, Americans,—so must we train ours to be Englishmen. Still, there are some great eternal principles which we may communicate among us to our mutual advantage. Let us bring on this, as on all other branches of Social Science, each our special portion of knowledge into the common stock. If we are Germans, French, Italians, Englishmen, we are still men; children have perhaps more in common than grown men, and if there be any point in which there may be general collaboration, it is surely this.

It is my only remaining task, assuredly my most fit and profitable and agreeable task, to invite the many friends of education who surround me, to bring before the Society their valuable thoughts and suggestions. What I have said I have said to provoke rather than preclude discussion. I am eager to lay down the office of speaker to become a hearer. Though I may retain my eminence in this chair, I shall be proud to be thought an attentive disciple, and, in an inverse way, to sit at the feet of those who are seated at mine.

prescribed and applied, or even to the question how far these supposed simple specifics were efficacious. Punishment, in other words, is new as a subject of speculation and scientific inquiry; and its useful investigation and discussion have been largely promoted by this Association: and with most encouraging success. For we have come thereby to a very general agreement as to the principles and main elements of the question—though, on certain matters of detail and abstract points, there remain wide divergencies of opinion. Whether the deterring of others by example, or the reformation of the offender himself, be the primary duty of society and object of punishment,—or whether it be the emphatic protest made against wrong-doing and wrong-doers by the infliction of punishment,—may still be debated among us. But though these topics have a speculative interest for the metaphysician and scientific jurist, and promise to be fruitful of discussion for years to come, yet happily their determination is not necessary in order to the adoption of practical remedies for crying evils. Reasoners and moralists may dispute, yet philanthropists need not delay to act, and the problems insoluble by argument may be settled conclusively by practice. It may be (I rather incline to that opinion) that the State has nothing to do with the individual except in his bearing on the welfare of society—that any interference with him on other than public grounds is objectionable, and that this doctrine is applicable both to those who obey and to those who infringe the laws. Hence in dealing with offenders, we are to proceed entirely on the assumption that our treatment of them is to be of a nature determined exclusively on public, and not at all on personal considerations; that no result is to be aimed at which will terminate in themselves. The *final* object in our systems of penal discipline, as in all our other social arrangements, is the good of the community,—its deliverance from some evil or inconvenience, or its attainment of some substantive good. In the case of our criminals, the end sought in our mode of dealing with them, whatever it be, is the repression of crime,—the diminishing the number both of offences and offenders. This is the matter in which the State has a direct interest, and which the State may strive at securing. What is the best means to be adopted for that purpose then becomes the subject of inquiry. What apparatus, or agency, or machinery, is most likely to thin the ranks and lessen the activity of the criminal classes? That point is not to be determined by any consideration of what is good for them for their own sakes, but of what is good for the society of which they are the pests. To do them good is not the final aim, but

to benefit the public. To secure for those who have broken the law and become subject to penalties some personal advantage, is not, I think, a legitimate object of public law, though of private Christian benevolence it may be a plain obligation. But then, admitting to the full the validity of this distinction, suppose that in practice it should turn out to be immaterial. Suppose it should appear that on public grounds alone such a discipline may be justified as shall have for its immediate result the improvement of the offender, and for its remote and ultimate result the advantage of the community. I am not, surely, to sacrifice the latter object, simply because, in the course of attaining it, I confer a boon on the subject of any punitive discipline. This would be madness. It would be nothing less than an abandonment of the social amelioration which is our ultimate aim for the sake of a pure vindictiveness, and in order to deprive a convict of some moral advantage to exclude the community from the realization of its cherished hopes. For it may be the most effective—indeed, the only effective—mode of protecting society, to reclaim and restore the offender. Then, surely, we are not to sacrifice all, lest we should incidentally benefit the few. On the contrary, if by conferring such a partial benefit, I can secure a universal good, I shall readily pursue a course where the means and the end are alike desirable. What mere terror and merciless severity could do, has been tried in all countries —in all ages; nor has the experiment been attended, in any case, by encouraging results. Even capital punishment has been found notoriously inadequate as a means of repressing crime, and has been for large classes of offences recently abandoned with advantage. So, with secondary punishments, it has been found that the harshest and most degrading have not been the most effective. Where their operation has been limited to a term of years, or of months, it has happened, in innumerable instances, that the subjects of them have been thrown back upon society, harder, more reprobate, more determined on evil than before. Hence the discipline has not only damaged the unhappy subjects of it, but has put into greater peril the very social interests whose security was our professed object. The evil whose excesses you have been scourging grows more virulent under your hand; and the expedients devised for the purpose of relieving society of the depredations of the criminal, without aiming at his amendment, fail, on that very account, to accomplish their object. And this is exactly what our old systems did, as has been shown with a fulness of illustration and a force of argument at former meetings of our Association, which leaves

nothing to be supplied on that head. And the failure which attended all exploded systems of penal discipline has not only been abundantly proved, but is now frankly admitted; and the happy change which has taken place in our treatment of all criminals, but especially of juvenile offenders, is the result of the general conviction that such a change was of paramount importance, nay, even of pressing necessity. Even if the amendment of the criminal himself, *for his own sake*, were beyond the range of State obligation in relation to him, yet his amendment for the sake of the society which had been wronged by his crimes, and which was still in peril from his probable repetition of them, would demand his cure. If you cannot cut off the diseased member of the body politic, its being healed becomes the obvious and only (as it is plainly the best) result to be aimed at.

It has been urged as an objection to the modern mode of dealing with convicted persons in a manner intended and adapted to restore them to moral health, that it is founded on a spurious philanthropy and sickly sentimentalism; that it betokens an inadequate appreciation of the guilt which attaches to crime, and displays more sympathy with the offender than hatred of the offence; that the power of rebuke is thereby weakened, while the softer emotions are quickened into morbid action, and gratified at the expense of other and more manly virtues. It is said that the primary duty of the judge is to vindicate the broken law by the infliction of penalties, and that this should be done in a form and manner to mark most forcibly the detestation which society has of the crime, and its resolution to punish; that the transgressor should be stigmatized as well as chastened, and visited with reprobation as well as punishment; that it is altogether a mistake to make any effort to restore the convict again to society as reclaimed, and fit to resume his place among the unconvicted; that, on the contrary, he should carry a brand on him ineffaceable, so that in his person and condition to the close of his life, there should be plain and palpable evidence of the hatred and indignation due to his crimes. Nay, that it were better finally to expel the offender, even, if necessary, by hurrying him out of existence, rather than by the methods of healing, and by the discipline even of an experienced benevolence, to endeavour to win him back to virtue and to society. Now, if it be admitted that there is in this hostile criticism of our modern procedure in relation to convicted persons, some element of truth; yet it is plain that all such objections fall to the ground, or become nugatory, if the course complained of can be justified on reasons quite inde-

pendent of any considerations of mere benevolence. If it can be shown that self-interest, the protection and welfare of the community—our own safety and security—demand for the culprit a discipline just such as that which Christian philanthropy and compassion might have suggested, so that the lowest motives concur in demanding what the highest would have prescribed; then all objections to the adoption of such a course on the ground that it puts the well-being of the offender before the well-being of the community, and makes kindness to him injustice to the State, are seen to be futile. If a corrective discipline is not only better for the prisoner, but better also for the public,—if his being healed is a matter of great moment to society as well as of vital importance to himself, then it must be admitted that Christian philanthropy and true patriotism are both alike consulted in efforts to reclaim the culprit, and both alike rewarded should those efforts be successful. If this point be established, I no longer put my hand to the work of reformation with hesitation and trembling, fearing lest I should weaken the defences of society or the sanctions of law by showing kindness to the criminal; but I set about it with confidence and courage, assured that what Christian precepts and manly sympathies and social interests alike dictate may be done without apprehension that any sound principle will be infringed, or any valuable object imperilled, by the course I adopt. It becomes, then, a question of fact to be determined by evidence, a practical experiment whose result is to be ascertained by experience, whether a reformatory process is advantageous to the public; whether punishment should be a discipline with a view to amendment—or vindictive simply; whether we may not shed balm instead of venom on the edge of the sword of Justice, so that while it wounds it shall heal, and its severest inflictions minister good to the sufferer, and through him to all.

It is to be regretted that our statistics are as yet so imperfect in this, the Judicial, as in so many other departments, that they do not on this point furnish us with that decisive evidence which, if fully collected and accurately digested, they would assuredly afford. In the absence, however, of any general returns, most of you will have had access to reports of local institutions, and will have some acquaintance with the degree of success which has, in your own neighbourhood and under your own eyes, attended philanthropic efforts to reform and reclaim convicted persons.

I may safely appeal to all who have any such information, to say whether or not the system is deserving of approval and support. And the more extensive and exact is the acquaint-

ance of any person with prison and reformatory discipline, the more confidently should I be disposed to calculate on his hearty concurrence in justifying and maintaining it, and his active aid in efforts still further to improve its character and extend its operation.

I am unwilling to weary you with figures; but, assembled as we are in London, I may be permitted to illustrate my argument by a brief reference to the Criminal Returns of the Metropolitan Police District, which are prepared with great care, and which furnish a very valuable mass of information in relation to the area from which it is collected, and to which it applies. What we are in search of is proof that to reclaim offenders is expedient for the public, and that our modern systems are in a good measure successful in reclaiming them. Turn we then to the years 1856 and 1861, for the purpose of comparison; and see what testimony is borne on these points by the returns I have mentioned. It is obvious that if, as the result of our penal discipline, we have produced a real reformation in the subjects of it, we shall have secured society from any further depredations so far as such persons are concerned. In other words, a reformed man will not again be a convicted man, whilst one not reformed will relapse speedily into crime, and have a second or subsequent conviction against him. The test of success in reclaiming lies here,—in the diminution of the numbers of those who are convicted more than once. If those numbers are stationary, or are increasing, our reformatory processes are convicted of failure; if they diminish, we may congratulate ourselves on their being successful, at all events to some extent. Now, how stands the case in the metropolitan district? Of persons taken up in the year 1856 there were recognized as having been in custody *twice* for felony, 769; in 1861, only 454. In 1856, those recognized as thrice in custody were 178; in 1861, only 79. In 1856 there were out of the whole number of persons apprehended 36 recognized as having been four times in custody; in 1861, only 6. In 1856, 19 persons were known to have been five times or upwards in custody for felony; in 1861, only 3 such persons are returned. Now, surely we are justified in drawing some encouragement from these figures. They may indeed require some correction on account of an alteration in the tariff of allowances to witnesses, which has had the effect of discouraging their attendance, and which alteration has more particularly affected those by whose testimony prior convictions are ordinarily proved—namely, police constables. It is very much to be regretted,—and it has been over and over again publicly censured by judges and grand juries,

principles held sacred by the latter,—upon so palpable an illustration of the truth, that through the restoration of the erring members of the community there comes the best and truest security for the community itself; so that if philanthropy were not imperative on the highest principles, it would still be expedient on the lowest grounds of calculation,—cheaper and more efficacious as a question of police, as well as loftier and nobler as the dictate of moral obligation?

What we require, therefore, is further improvement in our schemes of discipline, and as a general rule their success will depend far more on the persons employed to carry them out, than on the precise regulations laid down. It is the moral influence of the man, not the stringency of a rule, however wise, that will do most for the objects we have in view. For the thorough efficiency of remedial systems we must look, therefore, under God's blessing, to men, firm, humane, and wise —full of human sympathy—familiar with human nature in all its aspects and relations—with an energy equal to their benevolence, and a sagacity not inferior to either; for such men, and such alone, are fitted for the arduous, repulsive, and discouraging, but yet noble task to which we would call them.

But it is time to turn from the consideration of penal and reformatory discipline to the preventive agency, which is of even more importance. It is much to heal those who are smitten with distemper; it is more to save those who are in peril of contagion—to stand between the living and the dead, and to stay the plague. To restore the fallen is a work of mercy and a great service to society; to rescue those in imminent danger of falling is even more necessary and important. And here I am reminded of an objection to all our modern schemes of model prisons and reformatory schools, which is undoubtedly of considerable weight. It is said, you go to all this expense, and set up all this complicated machinery of benevolence, on behalf of those who have forfeited all claim, or, to say the least, have forfeited much of their claim to regard, by reason of their crimes; and the result of your ill-judged interference is to confer advantages on the guilty which to the innocent are denied—to give chances of advancement in life to a convicted person, which the unconvicted may ask in vain. You give a bonus to crime; you offer food, clothing, shelter, and many physical comforts—education, industrial training, and wholesome moral influences—to the thief and the burglar; while the unhappy and destitute who stand on the brink of crime, but have not yet fallen, can have no hope of such blessings, unless they purchase them by the commission of felony. You, therefore, make the conviction of crime a

stepping stone to improvement and progress—and priceless benefits are secured to the detected offender by means of his offence. This reproach is just, if it be founded in fact, but happily it is not so. If reclaiming agency were not accompanied by preventive,—if ragged and industrial schools, and refuges and homes for the destitute, were not found side by side with our houses of correction and our reformatories, we should have no answer to the objection of injustice and partiality. But our answer is now obvious and conclusive. We do care for the poor, the desolate, the destitute, the vagrant, the abandoned, and helpless. We have provided for their needs. Numberless agencies adapted to meet their case are in active operation. No large and populous town is without them. The metropolis and the chief cities of the empire are full of them. These institutions are not less characteristic of the age we live in than are those on the results of which we have been reflecting. We do as much to anticipate and preclude a lapse into crime, as we do to prevent a relapse. We would protect the tempted but unfallen at least as anxiously as we would seek to restore the fallen. And there is good reason for believing that our efforts have not been less successful in the one case than in the other. Here again, on the question of fact, we must have recourse to the returns from whence we have already drawn materials for our argument. We are now dealing with the case of those who, not being criminal, are in that condition as regards age, association, and poverty, which makes them peculiarly liable to fall—that class of society from which the ranks of criminals are perpetually replenished. Our object is to stop the supply—to intercept and rescue those who would be recruits to the ranks of felony if left to themselves. Have we in any measure succeeded in that object? For an answer we refer again to the criminal statistics for 1856 and 1861. In the former year there were taken into custody of persons under twenty years of age, 19,587, whilst in the latter year the numbers were reduced to 14,289, being a diminution of more than 25 per cent. This change must be due to some improvement among young persons in the lowest classes of society—but whence came that improvement but from the agency of benevolence in the form of ragged and industrial schools, shoe-black brigades, penny banks, mothers' meetings, and all the auxiliary apparatus connected with them? The natural—the inevitable—tendency of matters, if left alone, was to grow worse daily, and at a constantly accelerating ratio. To stay the increase altogether, or even to moderate the rate of it, would have been to do good service to the State; but to effect so large a reduction,

and in so short a time, is to work a result which it is impossible that the agents who have wrought it, or the public who have reaped the benefit of it, can over-estimate. I have been informed by Mr. Goodman, the Clerk to the Justice-room at the Mansion House, that within the last few years the number of young persons under 16 years of age committed annually has diminished two-thirds; and if we take the numbers of those taken into custody between the ages of 20 and 25 years, in 1856 and 1861, we find they are respectively 15,265 and 13,295,—a reduction of 13 per cent. upon those who would of course come less under the operation of the institutions whose influence we are considering than those who are younger. Of course I do not attribute the whole result to a single class of agencies. It is due to the combined operation of all. A social problem like this is far too difficult to be solved with exact accuracy, and dogmatism and bold assertion is therefore to be sedulously avoided. But surely it is not assuming too much to say that of the amount of work undeniably done, the far larger portion has been done by the machinery expressly designed and singularly adapted to do it.

What, then, is the legitimate inference from the facts we have investigated and established in both branches of our inquiry, but this, that it is the interest and duty of the commonwealth to do all that may be done to save those in peril from falling, and to restore those who have fallen—to fence round the weak with every available protection, to arm them for the conflict with temptation, to assist and encourage them in waging it, to do all we can to secure that the struggle end in victory and not in defeat? But if through their weakness and exposure, or our neglect of precaution and aid, they haplessly fall, then our business is to administer such a discipline as shall restore and sustain them,—as shall give them back to the community, healed of the vices, disarmed of the passions, which made them offenders; nay, strengthened with new principles, trained by education and sympathy to self-control, patient industry, strenuous endeavour, and so restored to society, not harmless and unoffending merely, but fitted for active service; not hornets, and not drones, but bees in the social hive. If our preventive and remedial measures were both perfect in design and operation, and perfect in success, then our work would be done. We desire, though we venture not to anticipate any such result; but we may approach indefinitely nearer and nearer to it, or we may recede farther and farther from it. We are stimulated to continued and increasing effort by the consideration that every day adds to our difficulties and perils if we slacken our

exertions. While we slumber some are falling; while we debate some are lost. Every hour increases the numbers of the population; every day increases the wealth which vice puts in peril, and which the law must protect. Overwhelming considerations of self-interest should urge us in London to be above all things diligent in both branches of our work. We are stimulated by the perils which follow on neglect; we are encouraged and rewarded by the success which has followed upon honest endeavour. We may reasonably compare the actual state of things with that which it probably would have been without our many and multiform agencies of benevolence; and costly as our philanthropy may be, it will be seen that, regarded in this aspect, the outlay has been frugal and discreet, when we come to calculate the value of the results, estimating them only at the lowest money computation.

Allusion has been made incidentally to judicial statistics, and the subject is so important as to deserve a more direct reference. The International Statistical Congress, held in London in 1860, was inaugurated by an address of great value from that illustrious Prince who would have been the President of our Association for this year had not his untimely death placed the nation in mourning, and deprived philanthropy and social science of one of the most enlightened and earnest of their advocates. The Prince Consort, alluding to social phenomena, affirmed that their governing laws could only be approached by the accumulation and reduction of statistical facts; and our venerable President, Lord Brougham, in presenting to the General Meeting at the close of the Congress, the report from the Department of Judicial Statistics, stated in forcible terms the necessity of such returns, in order to enable us to ascertain what was the real effect of any law or system in operation among us. In truth, we desire to know the facts; but in relation to such a subject as that to the consideration of which this section is devoted, a knowledge of the facts implies a mass of figures, collected from all quarters, and digested for a definite object. What is local or special is valueless for our purpose. We desire to have what is general; or returns so numerous, so diversified, gathered from so wide a field, and amid circumstantial variations of sufficient moment to give significance to the results: and such returns alone will justify an inference of practical value. We want to strike an average,—to have scope enough and variety enough in the range and character of the returns made, to be able to eliminate all that is of a local, limited, accidental, or adventitious character; so that our conclusion on the substantial matter may

be sound and safe—that we may be able to feel that it rests not on any partial, casual, or immaterial incidents of the phenomena, but on the phenomena themselves, apart from such temporary or superficial variations. For example, we desire to know whether the angry asperity of our old systems of punishment, or the tranquil but benign pressure of the new, is the more successful in diminishing crime. Obviously it is essential, before our curiosity can be gratified on the point, that our facts should be collected from the widest geographical range, with the most varied local incidents, the most diverse conditions and circumstances; so that every phase of the phenomena should be included in our returns, and that all that is special in them should be neutralized and corrected, and a result come out not vitiated by any single circumstance which the statist has not duly allowed for. But the materials for such a generalization are judicial statistics. A reformatory in one place may signally succeed; in another, as signally fail; and the success of the one, and the failure of the other, marked as it is, may be of little or no argumentative value: for both triumph and defeat may be shown to be the result of local and special circumstances, and to justify therefore no general conclusion.

In proportion as our facts are collected from single localities or narrow districts, and cover only a brief period of time, we are liable to generalize unsafely and insecurely; for the place or the time, or the special conditions of the experiment, may have determined the character of the result; so that if we inferred generally, and acted upon the inference, our practice would be founded on conclusions really empirical, though in form scientific. We should fancy we were philosophical and inductive, when in fact we were only hasty and dogmatizing. Nor is there any correction for such an evil, but general or universal returns. As crime is occasionally local and epidemic, so sometimes (paradoxical as it may sound) may reformation be. Results may be secured in one place, by one agency, over one set of persons, which cannot be paralleled, or in any way approached, by another agency in another place operating on a different class of persons, or even upon persons apparently of the same class. For ascertaining the general or average results of a reformatory system, therefore, it is plain that returns from any two localities would be valueless—or indeed deceptive—unless combined with an immense mass of like facts gathered from all quarters of the country. For our purpose we want to know what a remedial agency can accomplish for us on the whole: and to this end, we must be informed what it is doing in the Hop country; what it is doing

in the Potteries; what in the mighty manufacturing towns; what in rural villages; what in the ports; what in the mountains. We must learn its results—not in selected places, amid special conditions, but over wide surfaces amid the most varied circumstances. The essential inherent power of our philanthropic machinery then comes out, when it is seen in conflict with the special difficulties of the agricultural, commercial, manufacturing, and mining populations of the empire. The result of its amicable struggle with all, is the result which alone is of value to us; and this can be known only as the facts are gathered for us from all these fields,—collated, digested, and compared. We ought not then to be left dependent upon the report of a town institution here, and a county institution there,—upon returns from a port in Kent, and from a manufacturing town in Lancashire; but we should have them all, in combination with the like facts from all other localities, and then we could both inform ourselves and satisfy the public as to whether the work of reformation was being done skilfully and effectively, or whether the operations were abortive, and the system a mistake or a sham. And I know of no other way of accomplishing the object, than by the agency of the Government, which is alone competent to the task of collecting, collating, and digesting such returns. But upon the principles thus laid down, it is plain that the certainty and safety of our general conclusions would be increased, were the great countries of the Continent to furnish us with their experience of the results of their penal and reformatory systems. Some of those countries have done much in the way of successful experiment upon this ground, and doubtless far more has been done than we are acquainted with, because there is no machinery for collecting and circulating information on the subject.

I concur heartily, therefore, in the resolution come to in the Judicial Department of the International Statistical Congress—"that it is desirable that the British Government should appoint a commission to examine and collate the different systems for collecting judicial statistics which prevail in this and foreign countries, and to report upon the following matters; viz.:—1. What is the best method of recording judicial proceedings with the view of supplying statistical information on legal subjects?—2. What is the best method of tabulating such information?—3. What additional staff of officers, if any, will it be necessary to appoint in order to ensure the preparation of comprehensive, scientific, and accurate returns?" And Lord Brougham's comment on bringing up the report we shall all agree in.

He says, "Now this I call the most important recommendation of the section. We are not dilettanti or amateur statisticians; we look to positive and immediate practice; and nothing can be more effectual, and more necessarily effectual, to the attainment of our object, than the appointment of such a commission as this." I think we must all regret that no information has yet reached us that the Government have been induced to act upon this suggestion. Meanwhile we are favoured at this session of our Association with the presence and aid of a large number of our continental fellow-labourers in this and all the other departments of philanthropy, and we shall be able to do something by mutually communicating experience, and interchanging our ideas, and eliciting and comparing our various views on practical questions. Much good may come of such intercourse, and we are thankful to those who have travelled so far in order to assist our deliberations. We have a common foe to combat, an universal evil to meet and mitigate. The mischief is great and multiform; and so must the agency be with which we may hope successfully to assail it. Momentous social interests demand the continuance, the increase of our exertions. Inertness is peril; indifference is guilt. Our safety lies in courageous, arduous, hopeful, untiring conflict with the sins and the miseries that surround us: so assaulted, they yield perceptibly though slowly to the attack; whilst, if we relax in discipline, bravery or skill, the hosts of our foes may suddenly make incursions, the consequences of which cannot be calculated. Every man may join our ranks, as all true men must sympathise with us in our efforts. The humane and patriotic of all classes, creeds, and countries, cannot but be on our side, and moral force and energy must reside with such. Though sometimes, amid darkness and discouragement, it is difficult to believe, yet it must, in truth, be possible to "overcome evil with good."

Address

BY

WILLIAM FAIRBAIRN, F.R.S.,

ON PUBLIC HEALTH.

THERE is no department of Social Science of greater importance to a nation than the Public Health, and the development of measures calculated to confer this benefit cannot be too highly appreciated by Governments and those whose object is to promote and increase the physical, as well as the moral, condition of the people. In all ages and in all countries this duty has not escaped the notice of governors, philanthropists, and legislators; and the ancient nations of Europe were, from the first dawn of civilization, alive to the necessity of sanitary laws for the purpose of inculcating ablutions and cleanliness in the houses of the people, and the towns and cities in which they dwelt. The ancient Jews had exact and definite rules on sanitary science, and the baths of the Mahommedan, and the clean garments and clarified butter of the Hindoo, are indications of the great value attached to the health and comforts of the people. The remains of the baths, fountains, and sewers of the Greek and Roman towns, still farther indicate to what extent sanitary science was carried in the early days of civilization; and the vast monuments of aqueducts, streets, and sewers, abundantly show the care that was taken of the public health. In Rome there existed laws which enforced the cleansing and repairing of drains and sewers for the health of the citizens; and the Prætor was empowered to see that these laws were enforced, as also the repairs of the public drains, such as the *Cloaca Maxima* and the aqueducts which were maintained at the public cost.

During the Middle Ages and for a long period after the fall of Rome, these wholesome laws fell into disuse; and it is only within a recent period, that it was considered necessary to impose laws and conditions favourable to the public health.

They are now, however, in the ascendant; and the Government of this country, as well as the public at large, are too sensibly alive to the advantages of good drainage, water-supply, ventilation, &c., for the purification of our great towns, to be content with anything short of large and comprehensive measures for the attainment of those objects.

In submitting some of these measures to the consideration of the Members of this Department, I trust you will not think me intrusive, if I should occupy your time for a few minutes from the more important business of the section whilst I endeavour to show what has already been done for improving the sanitary condition of the people of these realms, and what has yet to be accomplished before the difficulties under which we labour are removed.

Since the commencement of the present century, or rather, since the close of the Revolutionary War, much has been done for the improvement of all classes. At that time, the sanitary condition of our homes and dwellings was far from perfect. Now, we are better housed, better fed, and better clothed than at any former period; and what were luxuries to our forefathers, have to us become the necessaries of life. Nothing, therefore, but a state of war and anarchy would again drive us back to the cheerless homes, and rude enjoyments of a previous state. Let us for a moment view the state of our towns as they existed at the close of the last century, and compare them with what strikes every beholder as a much higher state of civilization, producing, under sanitary regulations, improved health, increase of years, and a more intellectual and a higher state of existence. These are advantages which the present generation possess over that of the past; but we have not in our present state arrived at that degree of perfection which awaits us on a more extended application of sanitary science.

In water-supply much has already been done in large and populous places, but much has yet to be accomplished in extending its benefits to our smaller towns; and there is probably no gift so great, and none so conducive to health and cleanliness, as a copious and well-regulated supply of pure water. To every person it is a luxury, but to the working man and his family it is one of the greatest boons that can be conferred; and now that every principal town in the kingdom has its water-works, with a supply varying from ten to thirty gallons per diem to each person, we may reasonably look forward to greatly extended comforts, in the shape of cleanliness in the houses and persons of the industrial classes.

The last twenty years have effected wonders in this respect, and I may instance the extension of not only the water companies of the Metropolis, but Liverpool, Manchester, Glasgow, Edinburgh, and all the large towns, are now supplied with abundance of water of the purest quality, and that at a cheap rate, to almost every house. Such are some of the improvements which have taken place in a supply of pure water. The three first-named places have each expended a sum of about £1,500,000 upon their respective water-works. The Metropolis itself is probably worse off than many other towns, but I have recently seen the outline of a gigantic project, now in preparation by Mr. Bateman, the engineer of the Manchester, and the Glasgow Loch Katrine Water Works, to supply London from Wales, by the construction of reservoirs and the formation of aqueducts on a scale far beyond anything that ever was before accomplished, in either ancient or modern times. This scheme is not problematical, as I believe the engineer is prepared to show, from actual survey, that 100,000,000 gallons per day can be delivered in London, and works constructed for the conveyance of double that quantity, for a sum not exceeding £7,000,000. To London this is not a large sum, if we consider the immense benefits it will confer on a population of nearly three millions of souls; and that with a quality of pure soft water, which, for washing purposes and other branches of domestic economy, is calculated to effect a saving of £400,000 per annum.* There may be great difficulties in dealing with the present vested interests, but that is not to be compared with the comfort of so vast a population, in having one of the first necessaries of life brought to their very doors on the principle of gravitation or self-supply.

Next to water, as an element which largely contributes to the public health, is food. I will not, however, before such an authority as my friend Dr. Lankester, attempt a discussion on a subject of such importance as that which goes to our daily sustenance, and the support of all those functions by which we live. Of Dr. Lankester's "Treatise on Food," I would recommend a careful perusal; and the reader will find, not only all the nutritive properties of food by which life is sustained, but he will find wherein they are depreciated, and sometimes seriously injured by adulteration. The maintenance and preservation of the public health are dependent on the food we

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* In Glasgow, on the introduction of the Loch Katrine water in lieu of the harder water of the Clyde, there was an immediate saving of one-half of the soap previously used, and a total saving equal to the whole water-rate.

eat, and any one attempting to depreciate its value by compounds and adulteration, is an enemy to his country and to mankind.

Other conditions besides good food and pure water enter into the catalogue of our wants for the sustenance of life and the maintenance of vigorous health, and these are—to be well housed and comfortably clothed. It is essential that we should not only be covered from the inclemency of the weather, but that we should live in a pure atmosphere, neither too hot nor too cold, and free from noxious vapours and such compounds as carbonic acid gas, which vitiate the air we breathe, engender disease, and ultimately, by slow degrees, produce death. The subject of dwelling-houses is therefore one of the greatest importance; but before noticing it I must advert to another equally important subject which affects the public health, namely, a good sytem of drainage, whether as regards the soil, or the means adopted in towns for the discharge of their liquid products and the contents of sewers.

The drainage of land is beneficial in every point of view, as it improves the crops, improves health, and carries off the superfluous water not required for the growth of plants. I may also observe, that every field, and every quarter of a town, and every house, has its own peculiar climate, or something characteristic of its locality, and these characteristics frequently depend on thorough or imperfect drainage. Many towns have no drains, but depend on the absorption of cesspools, which not unfrequently injure the water of wells by percolation through pervious strata beneath streets and houses. This imperfect system has not unfrequently given rise to disease and epidemics, which a thorough system of drainage might have prevented.

Dr. Angus Smith, in a paper read to the Manchester Literary and Philosophical Society, shows that the mode of building at present resorted to deteriorates the neighbouring land from easily avoidable causes. It often lies waste for years waiting for a builder, and is of no use for agriculture, and is offensive to the eye and to health. It would seem a proper arrangement that, as soon as it is given up for the purpose of agriculture, it should be subjected to tile drainage, if within the limits of the boundary of a town. Water in these localities becomes stagnant, and is too frequently the receptacle of every description of filth. It is therefore necessary that in all our towns we should have thorough drainage, not only for the removal of noxious vapours, but for the purification of the atmosphere in places which engender disease from exhalations. It is a wise provision in nature, that organic

matter which has travelled a considerable distance underground should be so much changed as to come out in an inorganic form, and hence the advantages of underground sewers of sufficient capacity to admit of this transformation.

A well-devised system of thorough drainage of towns, concentrated in one general outlet communicating directly with the natural drainage of rivers, or the sea, is highly advantageous to the public health; and the transport of organic matter diluted with water through water-traps and underground tunnels, is one of the leading features of the improvements of the present day. It is true that the large quantity of water which enters into our sewers and carries off the refuse is destructive to its properties as a manure; but I trust the time is not far distant when we may calculate on a separation of the contents of sewers, and preserve for the benefit of the agriculturist the greater portion of a valuable compost, which on the present system is entirely lost.

Another important question affects the consideration of all town drainage, and that is the pollution of rivers. We have only to refer to the state of the rivers in Lancashire, the West Riding of Yorkshire, and other manufacturing districts, to be convinced of the noxious quality of those streams. It is a condition which earnestly calls for a remedy, and I would not have adverted to this nuisance if I had not been assured that there is a remedy, which consists in the use of tanks for precipitation, and the removal of the watery element in a comparatively pure state.

If this were accomplished, it would be a great relief to many towns, and the residents on the banks of many rivers, to have the waters pure and transparent instead of a large black ditch coloured with indigo, or coal-tar, and almost every other abomination floating on its surface.

In alluding to this subject I have ventured to point out for the consideration of this particular Department, not only the evils which exist in our present imperfect system of drainage, but to show that the purification of rivers calls loudly for amendment; and I am glad to find, in so far as London is concerned, that the Government and the Board of Works are determined to remedy this evil. To the talented engineer of the Board of Works I am indebted for a copy of his last Report, in which I find that the whole of the northern side of the Metropolis is divided into three main lines of sewerage: first, the Main High Level, which extends from Hampstead to Hackney on the river Lea; second, the Main Middle Level, which traverses the districts of Notting Hill, Bayswater, and along Oxford Street, till it joins the High Level Main on the

right bank of the river Lea at Hackney Marsh; and lastly, the Low Level Sewer, which commences at Hammersmith, and having drained the whole of the lower districts arrives at the river Lea at Bow, where it is pumped into the upper levels, and subsequently flows on through the covered tunnels to a large receiving tank or reservoir at Barking Creek, about about fourteen miles below London Bridge. At this point, using the words of Mr. Bazalgette, "the sewage is to be cast into the bottom of the river during the first two hours of the ebb-tide only. The period of the discharge is restricted to those hours, because the sewage would be deodorised and diluted by a volume of water twenty times greater than that which now dilutes it in London, and because such ebb-tide would, in returning to the sea, convey it to points twelve miles below the outfalls, or twenty-six miles below London Bridge."

Southwark is drained in the same way, with a main high level from Clapham, which unites with the low level sewer between Deptford and Greenwich, and from thence is carried forward to the marshes at Erith, where it is discharged into the river on the same principle as at Barking Creek.

This greatly enlarged system of drainage is of the first importance to the health of the metropolis, and the large scale on which it is executed, and the means adopted for preventing the return of the sewage, offer guarantees for the complete purification of the river.

Let us therefore hope that the time is not far distant when we may calculate on the removal of every nuisance affecting the public health, and the utilization of the products of the drainage of our towns.

Next to thorough drainage and a good water-supply is the suppression of noxious vapours, which in the present flourishing state of our manufactures are inimical to health. It will be observed that in all chemical and alkali works noxious and unhealthy vapours, which pollute the atmosphere, are discharged. The effects of those vapours may be seen by the rapid decay of vegetable life within reach of their influence, and their obnoxious character may be felt at a considerable distance from the spot where the manufacture is carried on. Tall chimneys have been erected for the purpose of removing or mitigating this nuisance without effect; but conceiving that the evil may be remedied, if not entirely removed, by condensation, I am of opinion that, if no other means are adopted, it should be done by enactment, or what would be equally acceptable to the public, by voluntary efforts on the part of the manufacturers themselves.

On the subject of the warming and ventilation of dwellings, there is probably nothing which contributes more effectually to the preservation of health than pure air and the comfortable temperature of the atmosphere of our rooms and dwellings. You are probably aware that air expands $\frac{1}{491.13}$ parts of its bulk for an increase of 1° of heat. If we take 100,000 cubic feet of air at 32°, the freezing-point, we have at 60° an increase of bulk of 5,701 feet, or 105.701 at that temperature; and this difference of temperature, be it more or less, constitutes the principle of interchange which takes place in the habitations of the poor as well as the rich. It is not my object to suggest plans, or to show in what way our houses should be constructed for the purpose of attaining uniformity of temperature with the discharge of the foul and a regular supply of pure air,—that is a question of social science and domestic economy which yet requires solution; but I am of opinion that this Association would effect a great public good by directing the attention of its members to the subject, and, if at all within its means, to offer premiums for the best plans and treatises on which it can be accomplished. In the year 1857 I had the honour to serve on a Commission on this question, and a long series of experiments were made to determine the present state of our dwellings, both as regards heating and ventilation, and the results were conclusive as to the necessity of alterations for their improvement. It is well known that the Wellington Barracks in this great city, were, for many years, destructive of the health of the soldiers quartered in them, and one cause of the evil was the deadly character of the atmosphere which they breathed. It is found that a full-grown man requires at least ten cubic feet of pure air per minute for respiration; but in close rooms, in order to retain the atmosphere in a healthy state, double that quantity is not too much. In the Wellington Barracks the men had nothing like that quantity, as it was found by experiment that sixteen men expended the whole contents of the rooms in which they slept in twenty-five minutes, and it therefore required the cubical contents of the room to be replenished in that time, which, in the close state of the rooms, was impossible. Living and breathing in such an atmosphere, impregnated with all the impurities of putrescent bodies, or effluvia proceeding from the lungs of so many persons in a small space, is quite sufficient to account for the unhealthy state of the inmates. I am glad to find that this state of things has since been remedied.

I might enlarge on other topics involving considerations in connexion with the public health, but I have already occupied too much of your time, and it only remains for me to direct

attention to the different subjects as classified and arranged i the programme for the consideration of the members of th Department. In these will be found abundant matter f discussion; and confiding in the good sense of the meeting ov which I have the honour to preside, I venture to look forwa to results calculated to improve the moral and physical con tion of the community.

Address

BY

RICHARD MONCKTON MILNES, M.P.,

ON SOCIAL ECONOMY.

IT has been customary on other occasions that separate discourses upon the subjects of a somewhat elaborate nature should be delivered by the Presidents of the different Departments; but it has been considered, and I think not unwisely, that in the present tumult of the London season, when you have all so much to do, and so many things to see and to consider, that it would be just as well that we should proceed with very little preliminary speaking to the practical business of the Meeting. We may, I think, say that this Meeting in London at this moment will be a very strong, a very trying test of the real efficiency of this Association, because we may suppose that few persons will come here for any other purpose than that of promoting the questions we have to discuss.

The Department bears the name and title of "Social Economy." I remember Sir James Stephen, at Liverpool, stating that he supposed this section was in fact intended as a sort of residuum, to collect together all that is left from the other branches of the Association; because, in truth, the whole Association itself is an association of "Social Economy." I own I almost prefer the name of "Social Economy" to that of "Social Science," because I have always felt that in treating upon social questions it is hardly possible to do so in a really scientific manner. Scientific questions must always rest upon distinct and permanent bases; but I think the more a man investigates social questions, the more he frees himself from preconceived opinions or acquired conceits; the more he is driven into an enforced modesty, and finds more and more difficulty in laying down distinct bases of Social Science. It will be very apparent to us, if we think for a moment, why this is so. If all mankind resembled one another; if you could predicate distinctly either of a nation or an individual what the mind were to be; if you could distinctly say that such and such

a thing, such and such a series of actions, would produce such and such a series of results—then, I think, it would be quite right that we should talk of Social Science. But when we see that, as in the work of education, you may apply the same educational processes to a considerable number of individuals, and yet produce totally different results; when we see the same elements of civilization given to different nations, and yet those nations producing totally different results, both in their individual character and the place they occupy in the history of the world, I think we shall see that there enters into this question an element which is almost contradictory of strict scientific principle. That element is human liberty, the free-will of mankind. Without that free-will no man can have an individual power of action, no man can call himself a man; and this free-will, when applied to the community of nations, assuming all the forms of public opinion and public estimates of great questions, this itself so modifies the questions of Social Economy that I think you will see what I mean when I say I much prefer that definition to the stricter one of "Social Science." In truth, this question of Social Economy before us is the question of the civilization of the whole world, because the society which most economizes the materials, physical and moral, with which it is endowed by Providence, that society is the one which becomes in truth the most civilized, in time the most advanced in the world. Social progress depends on Social Economy—economy in the strictest sense of the word; the using in the most useful, the cheapest, and the most practical manner, those materials which are given us. Now for the use of those materials there are two things absolutely necessary: the one, that we should be taught to use them; the other, that the use should be learned. The teaching of the materials of civilization seems to have been granted by Providence to a great many nations in the world; but it is only when it is combined with the learning of them, that the use of those materials becomes really productive of the benefit of mankind. There are few of the least advanced nations of the world which do not seem at some time or other to have produced remarkable men, who have taught wise, and just, and good doctrines, and yet those nations have not risen to anything like the Christian standing of civilization; and, although they may have endured for untold centuries, they have made exceedingly little progress, in the higher sense of the word. Therefore, I think you will see that the point I wish to impress on you is that, for the instruction of any nation in Social Economy, it is necessary that there should be not only great men, wise teachers, but that the mass

of people—as far as possible, the whole people—shall be sufficiently educated to receive and to use those doctrines. Look at that great nation it is our lot to see broken up—the empire of China. There you have had a factitious and ingenious civilization going on up to a certain point, and there remaining, perfectly standing still, and at last gradually decaying, until we see there that enormous mass of mankind in a state of confusion and decay, such as almost represents what we imagine might have occurred in the latter days of the Roman Empire. There are periods, too, in the history of the world in which very highly-civilized nations have been able to go on for centuries without any visible progress. Look at the extraordinary duration of the Byzantine empire, continuing for 700 or 800 years, and yet mankind became no better at the end than at the beginning. Look at the Arab domination in Spain, continuing for centuries, and at last breaking up and disappearing as if it had never existed. It appears to me that these are very great lessons of Social Economy, and that they teach us that the greatness of nations, and the duration of states, must depend, not upon the mere opinions or doctrines they are taught, but on the power of the population really to comprehend and to act, individually and nationally, upon those principles and doctrines.

Now I will ask you to cast your eye over the subjects which are brought before us for discussion, and I think you will see that they comprehend a series of questions, each of which might take all the time we have to give to the whole; but which, nevertheless, comprises the main conditions of Social Economy. The first class which is here presented to you, are those questions which are supposed to regard the employer and the employed. There have been interesting discussions at meetings of this Association on the subject of industrial strikes and the risings up of the employed against the employer. I do not think that question will come before us in any very prominent form at this moment, because, in truth, there are now political circumstances assuming a more painful character; that is to say, it is not now the unwillingness of the employed to work that is occupying the attention of English statesmen and economists, but the difficulty of supplying the material of labour. It is no longer now the spirit of perhaps ill-regulated independence, but the real inability of the capitalist to supply the worker with the materials of labour. That is the great question that occupies so much of public interest. This is the great disaster of the American war,—a disaster which in itself is one which I will not of course allude to in any political relation, but of which I may indeed

say, it is a very sad example of how, in one sense, the most apparently happy condition of humanity may fall to the ground at once, may be transformed into a condition of the greatest social misery, perhaps without any very great malice on one side or the other, perhaps without any very great crime or evil passion, but merely because there did exist in that apparently successful and prosperous society the one taint and evil of an inferior civilization, for which England is mainly responsible,—namely, negro slavery. What a lesson to us, if we permit any great recognized social evil to remain amongst us without doing our best to remedy it; if we assume that it is a thing to which we must try to accommodate our notions of justice and right, rather than try in every practicable way to remedy the evil and abolish it, so that we may attain higher notions of justice and right! Is not this a lesson to us how the brightest prospects of a community, of half a century of peace and prosperity, may be destroyed in a single year?

Another question which will come before you, and which I hope will excite some discussion and interest, is that of emigration, and especially connected with the emigration of women. The question of emigration at this moment has also lost a portion of its interest. It is no longer an apparent necessity for England, or even for Ireland, to get rid of a superfluous population. The doctrines which frightened mankind, but which had a strong basis of common sense—the doctrines of Mr. Malthus—have been in a certain degree brought to a practical non-application from circumstances which have arisen, which have caused the surplus population to spread itself over so very large a portion of the globe. When we see the condition of our South Australian colonies, that wonderful accumulation of humanity, we may safely almost leave the question of emigration to the free judgment and choice of the people of this country. I had the pleasure the other day of meeting a gentleman, Sir Raymond Barry, who is a judge in Australia, and he told me he had gone to Melbourne when there were less than a thousand inhabitants, and that he left it the other day with a population of 180,000. He had seen that wonderful accumulation of people rising up, forming themselves, with the strange Anglo-Saxon instinct, into a state going far to establish an antarctic England, whose sons would probably present a powerful empire, even when in future ages the parent state may not exercise the power she now does in Europe. But the question of emigration has come before this Society, and before other branch associations of this Society, in a more prominent form in connexion with the emigration of women. There is no doubt

that there is a surplus male population in many of our colonies, and it is very advisable that if we have a surplus population of women they should go out there, where they may find more employment and more social happiness than they can get here. There has been a controversy on the question, whether there should be a distinct organization for the purpose. I must say that I think some organization might be exceedingly useful, because it is very desirable that women should not go out to the colonies without some protection, without some guidance, and without some organization, or else their condition there might be even worse than if they remained here. The question of the class which should emigrate must depend, I think, very much on the condition of society to which they intend to go. If persons who emigrate are young, healthy, hopeful, and industrious, I do not believe that there could be a better means of increasing the happiness of women than by a well-organized system of female emigration. But it must be clearly understood that we are not merely trying to get rid of the surplus part of the population. Do not let us undertake the work for the purpose of relieving us of a disagreeable portion of our population; but let us do it for the purpose of enabling a worthy class of women to obtain in the colonies a happier social position than perhaps they would obtain here. The question itself must depend a great deal on the capacity of the individual; and it must be clearly understood that any society which assists them for the purpose, only does so in as far as they are willing to assist themselves.

Now this question of female emigration leads me to make a few remarks on another subject on which I see Lord Brougham dilated last night,—the industrial employment of women. That is a question with which we are intimately concerned, because you know that an association for promoting this object has been for some time affiliated with our own. But what Lord Brougham stated last night was with respect to the personages connected with that Society. I will say nothing of them, because I think our attention is better devoted to a consideration of subjects than to the merits of individuals. But I may be permitted to say this: that the question itself is one deserving your most earnest attention, because it is one in which there are two parties concerned who may be supposed to have somewhat different interests. It is impossible not to say that the destiny of women throughout the world has very much depended on the relation they have to the other sex. If men had been willing in every country in the world to raise women to a parity of station and of dignity with

themselves, there seems to be no reason whatever, either physical or moral, why that position should not have been attained in almost every nation on the earth. Just look at the contrast afforded by the condition of early Eastern and early Western civilization. See how singular it is, how unaccountable it is by any historical reasoning, that while through the whole of the Eastern world women are considered as in an entirely inferior social position, and confined within the walls of the harem, throughout the Western world, the Roman world, the German world, even from the earliest times, we have seen the foundations laid of that parity of social position between the two sexes, which has been gradually working its way up through the whole progress of European civilization. In this country I am bound to say I think we have been rather behind other civilizations. France may be considered as having taken the lead the other way, and having treated women with a remarkable degree of respect, of which I have always thought there was a somewhat questionable, but still very decisive proof in the way in which women in France have always been considered just as capable of political power and its consequences as the other sex; a remarkable illustration of which, and you may say perhaps, not a very agreeable one, was given during the catastrophe of the French Revolution, in which it never seemed to be considered that a woman was to be shielded from the consequences of her acts by her sex, and that she was guillotined just as if she had been born a man. The condition of the question in England, is, I think, rising into a very healthy one. We all remember how, a few years ago, and still more, many years ago, there seemed to be always a connexion in the public opinion between something unfeminine in the character of those women who occupied themselves with other than domestic pursuits; and the effect of that opinion no doubt was to produce that very result, namely, that the women who stood up most for the liberty and rights of their sex were exactly those women who were driven, as it were, into a corner, and into a difficult position, for they had to make the best fight they could, and in some degree to give up those amenities and more gentle characteristics which I believe may co-exist with the highest development of intelligence and power. But we are no longer in a condition in which it is necessary for a woman to make such a fight as was made by Mary Wolstonecraft; and when it is possible to talk of the "rights of women" without the slightest slur on either the character, or dignity, or innocence of the sex. The question of the industrial employment of women is perhaps the most legitimate way in which we can force this question upon mankind, because, if we

see what women can do in the common affairs of life, it will be a very short prospect to see what women are capable of doing in the more important and uncommon affairs of life. Let us do all we can to establish this parity of the sexes in the ordinary affairs of life. There will be a considerable difficulty on that point in the hard competition which exists in several trades and occupations in this country. There is no reason why women should not be employed in telegraph offices, in the post office, in the offices of clerkship here any more than in France, where they so successfully perform those occupations. There is no reason why they should not be engaged in occupations requiring lightness of hand, such as watchmaking, in which they are employed in Switzerland. But here they would have to meet the competition of the law clerk, the telegraph clerk, and the watchmakers. Therefore this progress cannot be expected to go on very rapidly. It must go by degrees. It must be entwined in our habits; and I hope that when we meet some twenty years hence we shall find that we have got more into the habit of seeing women employed in those occupations. The further question, as to how far they should be admitted into the learned professions, has been brought in a very practical way before the public within the last few weeks. The question, whether in the new Charter for the University of London, provision shall be made by which women should be enabled to matriculate and take degrees in the same way as male students, was brought before the Council in an able manner by one of the most distinguished of its members, and resulted in an equality of votes; but the decision was, I am sorry to say, given against the ladies by the casting vote of the president. I think my noble friend Lord Granville might, without any great exercise of social courage, have permitted the experiment, which, after all, would not be a very new thing, as in the old Italian universities, the foundation of universities throughout the civilized world, women were not only freely admitted, but, when they attained eminence in literature or the arts, were treated with all kindness by the societies in which they had acquired their knowledge. But the mere fact that the question had been discussed and received that favour, is, I think, a great encouragement to those who take an interest in the subject.

There is only one other point on which I would say a few words before I sit down; that is, the relief of the poor. That question, of course, will come before us in many forms, and a good deal in relation perhaps with that noble institution of England—namely, the Poor-law. I have always felt that

the Poor-law which we are accustomed to look at, which is so familiar to us—on the one side, as a relief; on the other, as a rate—nevertheless has carried with it great addition to the power and prosperity of the country. I think that in its silent operation it has, perhaps unconsciously, yet nevertheless kept off from our people, the mass, the lowest class of the population, those extravagances of communistic and social principles which have produced so much misery on the continent, because to a poor man, however small may be the relief, his loaf of bread or his uncomfortable lodging were accompanied by a consciousness that no man, woman, or child in the country is left utterly unprotected and cut off from humanity. There is a recognized and social law in which all classes of society take their part, and a fund to which all classes contribute except the very lowest. This question will be brought before you in many points, and I will only ask you to consider temperately, and to see how very difficult a question it is from the condition it assumes. It is not a case of purely eleemosynary distribution; it is a case in which a certain number of men have to distribute, not only their own money, but the money of other people. Therefore, many things which would seem harsh and unjust if they were committed by individuals who were merely sparing their own pockets, must be regarded differently when done by bodies spending other people's money as well as their own. We all know the general abuses into which the Poor-law fell some years ago, and we all know with how much moral courage those difficulties were surmounted. And I believe we may fairly say that all parties are ready to consider any further improvement that may be made in the Poor-law with temper and charity. The Committee of the House of Commons lately sitting on the subject, has shown the greatest willingness to receive information and advice from all quarters; and I think, though we may differ from their decision, we shall agree that they arrived at it in fairness. The relief of the poor of this country has carried with it this advantage: that while we are free from the reproach of any great calamity of destitution, yet nevertheless we have seen the mass of the English people regarding the receipt of the relief as accompanied with a certain amount of social degradation; and I do not know how it can well be otherwise, if we are to do all we can to keep up the independent character of the English people. It is on that independence of character we rest our greatness and our energy; it is on the belief that every Englishman has the means, as he has the duty, of in some way or other supporting himself, if he is not the victim

of some peculiar misfortune or providential interposition; and therefore I think that in this English poor-law we have combined those two advantages which should be the object of every statesman and politician,—namely, the relief of great destitution, and the maintenance of individual independence.

These are the main questions that will be brought before your consideration. They will be brought before you by persons of both sexes, who will be able to discuss them, and who know the facts on which they rest better than myself. This question may be considered as in some degree the basis of our civilization, and thus brings us back to the consideration to which I would take you for one moment, how far these questions may be considered justly as of a scientific nature. We know that the question of the relations of the state to the individual has occupied the thoughts of the wisest men from the earliest time. We know that perhaps the most wonderful man, considering the opportunities of knowledge he had, that ever lived on the globe, the Greek Aristotle, has laid down excellent principles on this subject; he has told you that "man is a political animal," and by the fact of being a political animal, he does not merely belong to himself, but to some community or other. These relations between the individual and the state are in fact the subject which we have, on the whole, mainly to consider, because you will see that all these questions to which I have alluded take a man out of his individual character, and in some degree connect him with the community in which he lives. How far that connexion is to go, how far legislation is to interfere with the action of the individual, is one of the great problems which I believe will always to the last agitate human society. We must in some degree hang on to the state, while we must as much as possible depend on ourselves. This question has come before the English community in the most prominent manner in the late discussion on Education, and if there had not been a special department entirely devoted to that subject, I should have thought fit to make some observations on it here. The matters with which we have really to do are questions which, in a certain degree, appertain to the state and to individuals. Let us keep these two things fully in mind; that if you permit one or the other to become substantially predominant, either the individual or the community, you lose what is the real principle of the matter before us, the power of human liberty. If the individual is predominant, his liberty degenerates into licence, and therefore infringes on the liberty of others; if the community predominate, you run into socialist and communistic doctrines,

and the liberty of the individual is lost. It is between two powers and these two principles that we must to steer as best we may, as the pilot who guides his b through difficult shoals, and through stormy seas, ad his course to the circumstances of the time, to the ph condition in which he finds himself; acting with indi energy and individual power, but at the same time losing sight of the real phenomena and facts by whi must be guided, and beyond which he cannot permit his intelligence or his energy to carry him.

pilation of laws which has come down to us from the early ages of republican Rome, no foreigners could sue a Roman citizen before a Roman tribunal. *Adversus hostem æterna auctoritas esto* was one of the laws of the Twelve Tables, and at this period *hostis* and *peregrinus* were equivalent terms. But when the boundaries of the Republic became extended, when the Roman people came to possess harbours and ports of commerce, and foreign merchants brought their goods to Roman markets, the necessities of commerce required that the contracts of buying and selling, borrowing and lending, exchange and partnership, should be taken cognizance of by Roman tribunals, independently of nation, or race, or positive law, or local custom; and thus we find a judicature established in the middle of the third century before Christ, in the person of the Prætor Peregrinus, whose business it was to hear plaints, to administer justice between Roman citizens and foreign merchants, and between foreign merchants of the same or different nationalities within Roman territory. As we travel onward from the early ages of the Republic to the more complete legislation of Imperial Rome, we find a special branch of law, recognized under the head of *Jus Gentium*, which comprise those rules of natural justice which reason teaches to all men, and which all mankind equally observe, as being the foundation upon which all contracts must proceed. The Law of Nations, indeed, in the political sense of the term, was unknown to Imperial Rome, as there was no place for it in a system where there were no co-ordinate states or nations; but International Law, in the sense in which we speak of those general rules of natural right and obligation which are founded on good faith, and must be observed between man and man irrespectively of all sanction from positive law, found a place in the comprehensive system of law matured by the labours of the great jurists of Imperial Rome, prior to the separation of the Western from the Eastern Empire. The traditions of this system of law were not altogether lost when the Latin civilization bowed its neck to the yoke of German barbarism. It is to the Roman element that we must refer that peculiar provision in the law of the Visigoths, which upon the fall of the Western Empire in the sixth century became the code of Western Europe, and which is one of the most remarkable monuments of the legislation of the Middle Ages, whereby the privilege of being judged by delegates of their own nation was secured to foreign merchants. The maritime power of Venice obtained for her merchants a similar privilege in the Eastern Empire in the tenth century; and after the Mussulman power had superseded the effete Greek empire on the shores of the Levant, we find that the Christian

merchant had still secured to him the privilege of being tried by his own judge.* It is true, indeed, that the privilege of the Frank and of the Greek merchants in the Levant had been secured by conventions, which the peculiar legislation of the Koran had rendered necessary in order to warrant faith being kept by the Mussulman towards the Christian; but it is not the less true that in the twelfth century the practice was general on the shores of the Mediterranean for merchants to be judged in foreign ports by delegates of their own nation. Under this practice of deciding by special tribunals upon the obligations of maritime contracts between merchants of different nationalities, a system of international justice came to be slowly built up. The result of decisions began gradually to operate upon future contracts; and International Law, under the modest guise of commercial usages, struck root amidst the cities of the Mediterranean Sea. Those usages came, by and by, to be embodied in writing, until at last collections were made of what were termed Customs of the Sea, compiled under the sanction of the great cities of commerce, and promulgated, sometimes under the sanction of royal authority, at other times in the names of the great mercantile communities, whose fleets could have vied for empire, if it had been their object, with the proudest territorial monarchies of that day. The glory of the great Hanse confederation has now entirely passed away; but we know that the principal basis of that confederation was the absolute independence of its members from all territorial jurisdiction in the cities with which they carried on their commerce. It was the especial interest of states to attract the merchants of the Hanse League to frequent their ports; and thus we see how commerce came to be the great solvent of positive law, and how the exclusiveness of the territorial jurisdiction gave way, as increased enterprise was afforded to maritime navigation, and a proportionate importance given to maritime contracts.

The great question which at once suggests itself to our consideration is, how shall the independence of a nation be reconciled with the administration by its tribunals of the laws of other nations, at the demand of the citizens of those nations? As long as international intercourse is confined to the intercourse of states as bodies politic, no occasion need arise for a state to give effect within its own territory to the laws of another state; but in proportion as commerce extends its ramifications, and the citizens of one country have free commercial intercourse with those of another country, con-

* L. xi., Tib. iii. c. 2.

tracts, sales, marriages, nuptial settlements, wills, and successions in the case of intestacy, become so common amongst persons who have their domicil in countries having different and sometimes opposite laws on the same subjects, that without some common principles adopted by all nations in such matters, there would be an utter confusion of rights and remedies, and intolerable grievances would grow up to weaken all the relations of family, as well as to impair the sanctity of contracts and the security of property.

Thus, if we suppose that a contract valid by the laws of the country where it is made, is sought to be enforced in another country, where the parties to the contract happen to be present, but where such a contract is not known to the territorial law; or if we suppose a contract which is not valid by the laws of the country where it is contracted, is sought to be enforced in a country where such a contract might be validly contracted, it is evident, that unless some common rules of adjudication are recognized and applied by the courts of all countries, great inequalities will arise in the administration of justice between the citizens of different countries in regard to such contracts. No nation, however, can enforce its own territorial law beyond the limits of its territory; and the laws of a nation can only have effect or obligation within the territory of another nation by virtue of the express or tacit consent of the latter. The express consent of a nation is generally given under the form of a treaty or convention, but where no convention exists, it is essentially a question of *comity* between nations to what extent effect shall be given to foreign law. The growth of this *comity* has been gradual and almost imperceptible. It first assumed the modest form of respect for the customs of merchants, but it has gradually extended itself to other objects, as the intercourse of nations has become more enlarged. New rules, resting on a basis of general convenience and natural justice, have from time to time been promulgated by jurists, and supported by the tribunals under a course of juridical reasoning, which has commanded universal respect and assent without the aid of municipal statutes or international treaties.

Thus, a nation may prohibit its tribunals from giving effect to any foreign laws, and may refuse to recognize any rights growing out of them within its own territory; or it may prohibit some, and give operation to others, either absolutely or conditionally. But if the territorial law is silent, courts of justice in most European countries under the modern comity of nations, presume the tacit adoption of the laws of a foreign country by their own government in matters which regard

foreigners, unless such laws are repugnant to its own policy, or prejudicial to its own interests. No nation can with reason be required to give up its own fundamental policy and institutions in favour of those of another nation, much less can it be required to sacrifice its own interests in favour of another nation, or to enforce doctrines which, in a moral or political view, are incompatible with its own safety or happiness, or with its conscientious regard to justice and duty. Three maxims have accordingly been propounded on this subject, which have commanded the assent of the most distinguished jurists of all countries. First, that the laws of every nation have intrinsic force only within the limits of its own territory, and bind all who are subject to its government. Secondly, that all persons who may be found within the limits of a nation, whether their residence be permanent or temporary, are to be deemed subject to its government. Thirdly, that the government of every country from comity admits that the laws of each nation which are in force within its own territory, ought to have the same force and effect everywhere, so far as they do not prejudice the power or right of any other government or of its citizens. Hence it appears that the decision of all conflicts of civil right which may arise in any country between citizens of different countries, proceeds not upon any blind deference to the municipal law of a single nation, but on considerations founded upon the reciprocal convenience and tacit consent of different nations; for since the laws of one nation cannot have any direct operation within the territory of another nation, so nothing could be more prejudicial to the commerce and general intercourse of nations than that that which is a valid contract in one place should become without effect by reason of the diversity of the law in another place.

The administration of foreign law by courts of justice under the comity of nations, has given rise to an extensive department of Juridical Science, which has been termed Private International Jurisprudence. This branch of Juridical Science, which is concerned more especially with the conflicts of laws arising out of the relations of civil life, which exist between the citizens of different nations, proceeds upon a wise and liberal regard to the mutual convenience and mutual necessities of mankind. The real difficulty is to ascertain what principles in point of mutual convenience ought to regulate the conduct of nations in these matters, in regard to one another. The necessity of the general welfare has sanctioned certain exceptions to the rule, that the statutes and customs of a nation have effect only within the territory of a nation; and accordingly, the laws of a nation in civil matters, through the

courtesy of another nation, may have effect given to them beyond the limits of its territory. In some countries, where the interests of commerce have exercised a paramount influence on the municipal law, all foreigners, equally with natives, are allowed to bring forward actions against other foreigners before the tribunals of the country in which they may happen to reside. They cannot indeed bring actions regarding the possession of land or real property, as such actions are within the exclusive competency of the courts of the *loci rei sitæ.*

In Great Britain, in the United States of North America, in the Germanic States, and in Holland, foreigners equally with natives may sue and be sued in personal actions in the courts of the country. The tribunals, in deciding all such questions, look to the law of the country where the contract is alleged to have been made, as furnishing the rules for determining the capacity of the parties to enter into such a contract, and the formalities required to give it validity, and they then administer the remedy, which the law of their own country supplies. They thus adopt the foreign law, under the limitation that its administration shall not contravene the policy of their own institutions. The Code Napoleon, however, proceeds upon a different principle; and thus we find that in France, Belgium, the kingdom of Italy, and wherever the principles of that code have been adopted as the groundwork of the municipal law, the Courts decline to entertain jurisdiction over a civil suit between two foreigners who have entered into a contract in a foreign country, unless one or other of such foreigners should have acquired a French, or Belgian, or Italian domicil, as the case may be, before he entered into the contract. The Code Napoleon proceeds in this matter upon the traditions of a jurisdiction founded upon personal, as distinguished from territorial, sovereignty. It is a relic of Imperial Rome; and M. Fælix,* the eminent French writer upon private international law, in commenting on this practice of the French tribunals, expresses his opinion that the refusal of the French tribunals to take cognisance of personal actions, in which both the plaintiff and defendant are foreigners temporarily resident in France, is a violation of the Law of Nations as received in Europe. It is not necessary to adopt in its full extent the unfavourable view which M. Fælix takes of the practice of the French tribunals in this particular; but there is no doubt that the Code Napoleon does not proceed upon considerations of comity towards foreign nations, and as the comity of nations

* Fælix, T. 1, § 148.

presumes reciprocity, its operation might justly be suspended by other nations. But comity, as it regards nations, has this remarkable attribute in common with mercy, as it regards individuals, that "it blesses him that gives, and him that takes;" and it is a wise act upon the part of a nation, even if other nations should decline to reciprocate, nevertheless to adopt such laws for regulating the dealings of its citizens with the citizens of other states, as a sagacious and liberal regard to common convenience and mutual benefit would dictate. Thus common convenience suggests that the legal incidents of movable property should be regulated by a common principle; and mutual benefit suggests, inasmuch as movable property accompanies the person of its owner, that it should be regulated by the same law as the person of its owner. Accordingly we find that the law of England does not give way to the law of a foreign country in dealing with the personal property of a foreigner, but that it is part of the law of England that personal property should be governed by the law of the domicil of its owner; and accordingly, if its owner have a foreign domicil, it shall be governed by the foreign law.

There are, however, a large class of contracts and obligations which are of no particular country, and are governed by no territorial law, but are subject everywhere to a common law,—namely, contracts and obligations in maritime matters. The sea being incapable of being appropriated, is not subject to the empire of any nation. No sovereign can write his laws upon its ever-varying surface, but the vessels and mariners of all nations meet on terms of equality upon this common highway of nations. Each vessel may, indeed, carry within it the laws of its own nation for the internal government of its mariners; but as regards its internal relation to any foreign ship and its crew, it is subject only to the customs of the sea, which constitute a common law of nations in maritime matters. When the high seas were covered with pirates in that state of anarchy which followed the breaking up of the Roman Empire in the West, no merchant ship could venture out alone to attempt a long voyage, however armed she might be. Associations were accordingly formed amongst mariners to sail in company, and a chief was elected, who was called the Amiral—the term being borrowed most probably from the Arabic, and agreements were entered into to assist one another, and to divide the booty which might be taken in any act of mutual defence against pirates. There thus grew up a voluntary jurisdiction, which by degrees developed itself, and was the stock upon which was engrafted in the thirteenth century the Admiralty jurisdiction of nations. The jurisdiction of the

Courts of Admiralty, when they came to be formally established under the sanction of territorial sovereigns, included all those subjects which had been heretofore under the cognizance of commercial judges, styled *Consuls of the Sea*, who seem to have been first established in the great trading cities on the shores of the Mediterranean Sea, and who administered the customs of merchants to the exclusion of the municipal law. These Courts are described in the *Consolato del Mare*, one of the most ancient collections of maritime usages, as having jurisdiction over all controversies respecting freight; of damages to goods shipped; of the wages of mariners; of the partition of ships by public sale; of jettison; of commissions or bailments to masters and mariners; of debts contracted by the master for the use and necessities of his ship; of agreements made by the master with merchants, or by merchants with the master; of goods found on the high seas or on shore; of the armament or equipment of ships, galleys, or other vessels; and generally of all other contracts declared in the customs of the sea. There was, perhaps, never a perfect harmony of customs between the North and the South of Europe in these matters, for various collections of maritime customs have been preserved, in which notable variations of practice may be observed in certain particulars; but the object of the Admiralty jurisdiction was to establish an uniformity of practice in important questions, and to reduce the alleged customs of the sea to a system. Unfortunately, however, in England the Admiralty jurisdiction was looked upon with jealousy by the Courts in Westminster Hall, which administered the municipal law, and it came to be restricted within very narrow limits, so that it could only deal with a few of the questions which arose in the large field of maritime contracts, and with a certain range of maritime torts.

The policy of insurance, for instance, was in practice unknown to the municipal courts in Westminster Hall before the reign of Elizabeth. The word is borrowed from the Italian *Poliza*, which means a note or schedule in writing; and there is no doubt that whatever may have been the origin of maritime insurances, they were introduced into England by that astute and industrious body, the merchants of Lombardy, who came into England in the thirteenth century. So little, however, were the judges in Westminster Hall acquainted with the nature of the contract of insurance, that in the 30 and 31 Eliz. it became a question where an action on a policy of insurance should be tried; the policy having been effected in London, and the ship having been detained in the river Saone in France. (Dowdale's case, 6 Coke, 48.) So ineffi-

of commercial jurisprudence had, for more than three-quarters of a century before the time of Lord Mansfield, been reduced into a very clear and practical code in France. The very early treatise upon insurance, called *Le Guidon*, was republished in 1671 by Cleirac, in his work entitled *Les Usages et Coutumes de la Mer*. And in the same year Louis XIV. published the *Ordonnance de Commerce*, and in 1681 the *Ordonnance de la Marine*, in which the whole law of navigation, shipping, insurance, and bottomry, is collected in a very masterly and systematic manner. It would be a narrow and unjust view of these ordinances to consider them as mere compilations of the municipal regulations of France; they are more properly to be regarded as collections of the commercial principles and usages which the experience of merchants had found most wise and convenient in their intercourse, and which the habits of business and the necessities of trade had gradually introduced into favour among all modern maritime nations.

Mr. Justice Story, in commenting upon the little progress which had been at that time made in England in mastering the principles of the General Law Maritime of Europe, observes that the common law was an utter stranger to the principles of commercial jurisprudence, and slowly and reluctantly admitted them into its bosom, so that the age was always greatly in advance of the judicial tribunals; and so it happened that when the spirit of English enterprise had embarked vast interests in trade, it found itself without any encouragement from the law, and endeavoured to work its way to its rights and its duties by the aid of lights reflected from foreign countries: English merchants became familiar with foreign usages, and adopted them into the habits of their business from want of a more certain guide. These usages soon became general; and first as a matter of good faith, and then as a customary law, they fastened themselves upon all the transactions of commerce. But it was only very gradually that the common law recognised them in any shape, and always with a cold and hesitating caution; for commercial contracts were so mixed up with usages and negotiations, unknown to the common law of England, were so loose in their terms, and so general in their obligations, that the courts knew not how to adapt them to the rigid rules of their traditional proceedings. So late as in the nineteenth year of King James I. the custom of merchants was set forth specially in a declaration, so that it might appear how the custom bound the party, and merchants might be called to prove the custom, as civilians were called to prove their Law. Thus, when the question raised was whether the act of a factor

within the scope of his authority, whether done by himself or his substitute, bound the partnership for which he acted, or whether the acts of a partner in the partnership business bound in like manner the whole body of partners, it was necessary to prove the custom of merchants in both these particulars, for the courts held that a custom to that effect being unknown to the common law of England, was not *per se* a good legal custom, and the narrow and technical mode of expounding contracts, which was pursued at that time in the Courts in Westminster Hall, precluded them from entertaining equitable claims, and admitting equitable defences. They were thus virtually disqualified from comprehending judicially the contract of *mandatum*. Every advance made in adopting the custom of merchants, until the days of Lord Mansfield, was a victory gained by the spirit of the age, and the influence of commercial over legal prejudices. But upon the elevation of Lord Mansfield to the post of Chief Justice, a different mode of proceeding was adopted in Westminster Hall; for in his statement of each case to the jury, he enlarged upon the rules and principles of law as applicable to the case, and left it to the jury to make the application of those principles to the facts of the case before them, so that if a general verdict was given, the ground on which the jury proceeded could be more easily ascertained. Besides, if there was any novelty in the case or real difficulty in point of law, his Lordship advised counsel to consent to a special case, in which the point at law might be argued before all the judges of the Bench, and be considered by the whole court; and the grounds of their decision becoming notorious to the whole world, it might serve as a rule to bind the opinion of future judges. It was not, however, merely in the change of procedure that Lord Mansfield achieved a great victory; the genius, liberality, and extensive learning of that highly-gifted judge gave a new and enduring vigour to the system itself. He may be truly said to have created the commercial law of England. He had read extensively the maritime laws of foreign countries, and with an admirable combination of boldness, discretion, and sagacity, he infused all their most valuable principles into the municipal code of England. Mr. Justice Story, in commenting upon the labours of this extraordinary judge, observes, "We may look back at the distance of half a century with wonder upon the labour of this single judge; and if we examine the deviations from his doctrines introduced by his successors, it may be doubted whether they are not inconvenient in practice and mischievous in principle. They partake too much of the subtleties and technical refinements of the common law, and

stand little upon general reasoning and those analogies which equity and a comprehensive view of the business of commerce would commend for adoption."

Mr. Justice Blackstone, in commenting upon the law applied to maritime insurances in England, observes that "the learning in regard to those insurances has of late years been greatly improved by a series of judicial decisions, which have now established the law in such a variety of cases, that if well and judiciously selected, they would form a very complete title in a code of commercial jurisprudence. But being founded on equitable principles, which chiefly result from the special circumstances of each case, it is not easy to reduce them under any general heads in mere elementary treatises."

It will be evident, therefore, from this review of the conditions under which the foundations of the maritime jurisprudence of Great Britain have been laid, that it will be an extremely difficult task to remodel any considerable portion of the edifice, and to reduce the law of general average to that precision which is required in framing a statute of the realm. The principle of the ancient Rhodian law, under which voluntary sacrifices to the dangers of the sea were to be made good by a common contribution, has been adopted by all nations, but there is no principle of maritime law which has been followed by more variations in practice. British merchants have adhered more strictly to the original principle of the Rhodian law than the merchants of foreign countries, by whom some losses and expenses are held to be the subject of general average which are not so held by the law of England. But British courts pay deference, when occasion demands it, to the law of other countries.

Thus the shipper of goods, who has contracted on the footing of general average, where the instrument of the contract is that which is in general and familiar use, is understood to have assented to the adjustment of the average at the usual and proper place, wherever that may be, and according to the law and usage of the place at which the adjustment is to be made. Accordingly, if an average had been settled in a foreign port to which the ship had been destined, according to a practice different from that which prevails in England, and an English merchant, in order to obtain his goods, has been obliged to contribute to expenses to which he would not be contributory by the practice of Great Britain; upon its being proved that the average has been settled according to the law of the country, the merchant will not be allowed to recover back in an English court the money so paid, although both the parties may have been British subjects and

the ship a British ship. It is evident, therefore, that as the *Lex Fori* regulates the contribution in questions of general average, it would tend very much to simplify the obligation of the underwriter if the Law of the *Forum* were one and the same in every country. The mode whereby we may hope to arrive at this uniformity is by the independent legislation of states, guided by the consultations of merchants, and tending indirectly to one common object by different steps, according as the variations in the present practice of nations may require. No international conventions will be needed for this purpose, but it may be left to the tribunals acting under the comity of nations to build up an harmonious fabric of general maritime jurisprudence, by a liberal and equitable administration of the law of each country, and by adapting it to the exigencies of general commerce.

It is otherwise indeed with regard to matters which concern the interests of commerce in time of war. The exercise of the extreme rights of war on the part of nations may be restrained either by general usage or by special convention. If we look back to the wars of the Middle Ages, we shall find that nations have made great advances since that time in the disuse of the extreme rights of war. A peculiar feature of the modern Law of Nations, by which term we may conveniently distinguish the rules which have come to govern the intercourse of European nations since the Peace of Westphalia from those which were generally observed before that time, is discernible in the greater respect which is paid to the interests of commerce. It is impossible that the interruption of general peace should not be prejudicial to the commerce of nations, but it is desirable in the interests of mankind at large, that the restrictions which war between two or more nations imposes upon the general trade of the world, should be reduced within the narrowest limits which the necessities of the belligerents will admit. Much has been done by substituting, in lieu of the general prohibitions sought to be enforced by belligerents against all commerce between neutrals and the enemy-country, a special prohibition against neutral trade with the enemy-country in articles of merchandize calculated to serve belligerent purposes. The classification of such articles under the head of contraband of war, and as such forbidden to be conveyed in time of war in a neutral ship to an enemy's port, was originally a matter of treaty-engagement between individual nations, but it may now be said to have the countenance of an usage of two centuries; and any attempt to enlarge the prohibition under the pretext of enforcing a natural right of a belligerent to deprive his enemy of all supplies, would be a departure from an use

and practice to which all nations are bound and expected to conform. A belligerent, as Lord Stowell has justly observed, is bound to confine himself to those modes of destruction which the common practice of nations has employed, and to relinquish those which the same practice has not brought within the ordinary exercise of war, however sanctioned by its principles and its purposes. (*Flad-Oyen*, 1 *Robinson*, p. 146.) Time will not permit me on the present occasion to enumerate *in extenso* the various modifications which usage has imposed upon the exercise of extreme belligerent rights. I will touch briefly upon one or two heads. Thus the right of a belligerent power over the goods of an enemy-merchant which happen to be within its territory at the commencement of hostilities, is exercised with much greater forbearance in the present day, than in the wars of the fifteenth and sixteenth centuries. The right of embargo and reprisals against enemy's ships and goods, which are afloat in the harbours of a belligerent, is still exercised in cases where injury has been inflicted and redress refused; but the right of seizing and confiscating the goods of enemy-merchants, which are on shore, may be said to have been abandoned, and a contrary practice to have grown up amongst the nations of Europe. So, again, the right of a belligerent power to confiscate private debts which may be due from its subjects to enemy-merchants at the commencement of war, if such a claim was ever well founded in right, has been abandoned, and a contrary practice has intervened and shifted the matter from its foundation of abstract principle. I have said designedly, "if such a claim was ever well founded in right," for the courts of Great Britain have held within the present century (*Wolff* v. *Oxholm*, 6 *Maule and Selwyn*, p. 92) that it was against the Law of Nations for a belligerent sovereign to confiscate private debts due from his subjects to enemy-merchants. The case arose before the Court of Queen's Bench upon a debt due from a Danish subject to a British subject, which the Danish Government had confiscated upon war breaking out in 1807, and for which debt, after the re-establishment of peace, the British subject sued the Danish subject before a British tribunal in 1817. Lord Chief Justice Ellenborough said, that the Court had been unable to discover that it had ever been the general practice of nations to confiscate private debts, although many instances might be cited in which nations had so acted; but that as no instance of such a confiscation had been found for more than a century, whilst the right was not recognised by Grotius, and was impugned by Puffendorf, the

Court was of opinion, that, as the Danish ordinance was not conformable to the usage of nations, they were not bound to pay regard to it. Mr. Justice Story, on the other hand, in discussing the same question in the Supreme Court of the United States, (*Brown* v. *United States*, 8 *Cranch*, p. 61,) has maintained that down to the year 1737 all jurists have held, that the right of a belligerent to confiscate debts due to the enemy at the commencement of war was unquestionable, and that although the practice may have been intermitted, the principle has never been abandoned; and he goes on to say, "I hold with Bynkershoek, that where conventions exist prohibiting the confiscation of private debts, they must be observed; where there are none, the right prevails." Now, notwithstanding that the judgment of the Court of Queen's Bench in *Wolff* v. *Oxholm* will probably be upheld by British courts,—for the High Court of Chancery of England has equally refused to confiscate a debt due from a British subject to an enemy-subject, which had been contracted during a state of peace (*ex parte Boussmaker*, 13 *Vesey, junior*, p. 71)—it may be a question whether the courts of the United States of America would not hold themselves at liberty, if the case should arise in the present day, to hold that the debts of American citizens due to enemies were liable to confiscation, in accordance with the opinions of some of their most eminent jurists. Mr. Wheaton, for instance, has questioned the judgment of the Court of Queen's Bench in *Wolff* v. *Oxholm* as a sound exposition of the Law of Nations, and Mr. Chancellor Kent, in his Commentaries upon American Law, after discussing this judgment, and admitting that the weight of modern authority and of argument is against the claim of right on the part of a belligerent sovereign to confiscate debts due to the subjects of an enemy, says, "That the right has been admitted by the American Courts to exist as a settled and decided right, *stricto jure;* and it is within the discretion of the Union, by a special law for that purpose, to confiscate debts contracted by American citizens, and due to the enemy."

It is not unimportant to remark, that the end of the last century and the beginning of the present were marked by the conclusion of many conventions on this subject between European States, and also between European and American States: *e. g.* between Great Britain and Russia in 1766; Austria and Russia in 1785; France and Russia in 1787; the Two Sicilies and Russia in 1787; Portugal and Russia in the same year; the United States and Great Britain in 1795; Russia, Great Britain, and Portugal in 1797 and 1798; France

and the United States in 1800; Russia and Sweden in 1801. Several treaties to the same effect exist between European and South American States.

The fact that such treaties have been concluded between the above-mentioned states, is an argument tending to show that the practice of nations in such matters has been regarded as not altogether settled. At the commencement of the present century it was thought necessary on the part of one or both of the contracting parties in such treaties, that mutual engagements should be entered into to refrain from confiscating private debts. It may accordingly be worthy of the attention of the delegates from the great marts of commerce, who are here present, to consider whether it would not be expedient to secure an uniformity of practice in such matters amongst the nations of both hemispheres, by introducing a stipulation, as a matter of course, in all treaties of commerce, that private debts should not be confiscated in time of war.

It has been already provided for in most treaties of commerce which have been concluded between European States and the States of North and South America, that the subjects of either of the contending parties who may have establishments for the purposes of trade in the country of the other party, shall have an ample interval of time allowed them to dispose of their establishments and to withdraw their property; but we do not find any direct provision against the confiscation of debts, which may be due from the subjects of a belligerent to the subjects of the enemy.

Now, there are two maxims which all governments should keep steadily in view, whenever the responsibility of directing the operations of war devolves upon them. The first is, that nothing is lawful in war which is not necessary; the second is, that nothing is lawful which is contrary to good faith.

Vattel, writing in the earlier half of the last century, says, that a relaxation in the rigour of the rule as to confiscating debts to an enemy has been so generally practised in Europe, that the sovereign who would act contrary to the practice would injure the public faith, for strangers will have trusted his subjects only from a firm persuasion that the general custom would be observed. It is through the agency of this principle of good faith that commerce has succeeded in mitigating the evils of war.

The rules of law which courts are bound to administer are not always identical with the rules of conduct which nations are bound to observe in their intercourse with one another. Courts of Prize may feel themselves bound to administer the *summum jus* of a belligerent, whilst as between

nations good faith should be upheld at the sacrifice of absolute right. It would be therefore inconsistent with good faith for a state to permit its courts to administer the *summum jus* of a belligerent when it is bound in good faith to refrain from so doing. Mr. Justice Story seems to consider that foreign nations, with whom there is no treaty to the contrary, could only complain of such an act as a violation of the modern policy: but he adds, that if a nation has stipulated in a treaty of commerce with another nation that in case that war should arise between them, they will mutually refrain from exercising the extreme right of belligerents in certain matters, either nation will have just ground of complaint, if the other shall not conform its conduct to the treaty stipulations. But in maintaining this position Mr. Justice Story concedes the whole question, and upholds the obligation of good faith at the sacrifice of absolute right; for war terminates, or at least suspends, the obligations of commercial treaties as such, and no obligation remains upon the breaking out of war but that of good faith, to bar the exercise of all the rights which a state of war gives rise to. Treaty-stipulations in such matters only serve to give greater precision to the obligations of good faith, but are not necessary to create those obligations which may arise and be equally stringent without any written specification of them. But it is desirable in war, in order that the courts of a nation should have a compass to steer by in questions of international good faith, that the obligation should be placed on record by a convention, so that no ambiguity can arise.

With regard to the declaration of maritime law made at Paris in 1856, it is to be regretted that the United States has declined to accede to the provision for the abolition of privateers; and the refusal of the government of the United States on this occasion is the more remarkable, seeing that when the United States, at the conclusion of the war of Independence, sent ministers to Europe to negotiate treaties, they endeavoured, at the suggestion of Benjamin Franklin, to obtain the general insertion of an article forbidding the use of privateers. (Jefferson's Correspondence, iv. p. 450.) It may be therefore hoped, that the practice of nations in respect of discontinuing the use of privateers will be ultimately uniform in both hemispheres, even if international conventions on the subject should not be entered into, and the United States should still be formally unfettered by the Declaration of Paris.

In conclusion, I will offer a few remarks upon the value of conventions in matters of international law. Conventions cannot directly affect the common law of nations; they are

essentially compacts, the obligations of which are confined to the parties who enter into them; but they may indirectly operate to modify the general law by the disuser, to which they give rise, of the ancient right to which their stipulations are for the most part exceptional. Disuser, or, in other words, a custom to the contrary, may modify and imperceptibly change the law of nations. The American jurists have been disposed to lay too much stress upon the direct operation of conventions in altering the common law, and the government of the United States has endeavoured to procure the assent of as many nations as possible to a conventional law on the subject of Neutral commerce in time of war, as if they could thereby have created another system of general law, which should be ultimately binding on all nations as an expression of the will of the majority. Whereas, the European powers who agreed to the declaration of maritime law in 1856, have taken care to guard themselves against any imputation of a wish to enforce a new system of law upon any nation which should decline to accede to the declaration. Conventions, on the other hand, are historically very valuable, as being the landmarks of disuser: they are signs and symptoms that the ancient practice is no longer found to be generally convenient, or that new interests have grown up which are becoming dominant, and are antagonistic to ancient principles; and there can be little doubt that in many matters we now find a general practice to be established, which is binding in good faith upon all nations, of which the rudiments are to be traced in the treaty-engagements of particular nations at the end of the sixteenth, and the early part of the seventeenth century.

SELECT PAPERS,

NOTICES OF PAPERS,

ETC. ETC.

JURISPRUDENCE.

PRINCIPLES OF JURISPRUDENCE AND LEGISLATION.

On the Importance of the Study of Jurisprudence. By W. M. Best, A.M., LL.B., *Barrister.*

THE National Association for the Promotion of Social Science has, with great and obvious wisdom, placed "Jurisprudence" at the head of its labours. It is the nature of man to live according to law and rule; municipal laws are necessary to the welfare, if not the existence of every country; international law is necessary to the security of intercourse among nations; and the better laws are, and the more faithfully they are obeyed, the greater will be the prosperity and happiness of the human race.

Law, like many other things, may be looked at in a double point of view—as an *art*, or as a *science;* to which latter is given the name of Jurisprudence, *i. e.*, the knowledge of the science of law. And jurisprudence is either *general*, *particular*, or *comparative*. The first of these means the science in its extended sense; the second is restricted to the knowledge of those general principles which pervade or regulate the law of some particular state, country, or society; and the last is a relative term, meaning the knowledge of the laws of other lands than that to which some individual or body of individuals belongs.

With law as an *art*, the present paper has nothing to do. It is to the *science*, and the science only, that I am anxious to direct attention —to explain its nature and real character, to show the immense advantages to be derived from its cultivation, and the enormous evils consequent on the neglect of it—evils unfortunately too well illustrated by the practice of our times.

First, then, of *general* jurisprudence. By this I mean those principles of law which are established jure naturali, and exist everywhere, unless so far as they are modified by municipal laws or customs to meet the exigencies of place or circumstance; for, as observed by Lord Bacon,* "There are in nature certain fountains of

* Adv. of Learning, Book ii.

legislation. There has always been a large amount of customary law in the world, seeing that customs have a natural tendency to spring up wherever men are congregated together for any purpose; and even in states and societies which possess written laws, customs insensibly arise, not merely to supply their deficiencies, but to interpret, and, in many instances, to control them. We accordingly find that the jurists of every age and country, have recognised the existence of the two kinds of law—written and unwritten. Instances of customary law are to be found in the Old Testament,* and likewise in the Ordinances of Menu,† composed in Hindostan about 1000 years before the Christian era. Justinian and Ulpian also, who, whatever their other deficiencies, cannot be accused of ignorance of the Latin laws or language, tell us,‡ that their law consisted of written and unwritten, and that it was the same among the Greeks. In more recent times, Suarez and Grotius, differing as they do in many respects, agree in this. Lord Bacon sums it all up in a word, by saying, "Customs are laws written in living tables." § And it is well known that the greatest part of the law or *jus* of this country rests in its unwritten or customary law.

Bentham and his school insinuate rather than assert the fallacy which denies to custom the title of law; and by many others it is more often felt than expressed. That great man, for such with all his faults he was, seems to have been led into it by his earnest desire for codifying the municipal laws of every country, and even for codifying the law of nations. These are projects into the fitness or unfitness of which it is unnecessary to enter on the present occasion: but supposing them desirable, any advantage they could bring would be dearly bought if coupled with establishing the dogma that there are no such things as natural rights, and that primary jurisprudence is but a fiction or a dream.

Other objectors say that what is called natural law is not a law, because it has no visible sanction. But this is unnecessary provided it has a virtual one, and it will be found that the sanction of natural law is threefold. 1. That which is supplied by the conscience of men. 2. The opinions of others denouncing conduct in violation of its principles; and 3. In the case when what are called perfect, as contradistinguished from imperfect, obligations are violated, the *ultima ratio* of force or war. This division is to be found in Pothier‖ and other jurists of the first rank. Some modern writers, indeed, deny it, and say that all obligations are perfect; but this is a mere play upon the word. In one sense every obligation is perfect, namely, that the individual whom it affects is

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* Ruth iv. 7; 1 Sam. ii. 13; Ezra iii. 4, &c.

† Ch. viii., on Judicature, §§ 41, 42. Translated by Sir William Jones. See his Works, vol. iii., p. 280.

‡ Inst., lib. i., tit. 2, § 9, and lib. iv., tit. 17. Dig. lib. i., tit. 1, l. 6.

§ Proposal for Amending the Laws of England.

‖ Traité des Obligations, Article Préliminaire.

justice, whence all civil laws are derived but as streams; and as waters do take tinctures and tastes from the soils through which they run, so do civil laws vary according to the regions and governments where they are planted, though they proceed from the same fountains." These principles are learned by attentive study of human nature, of the rules of morality and general policy, of history and the laws of different countries—in all of which latter more or less of natural law is involved; and it is surprising to find how universally spread, and how little modified are its principles. The general idea respecting property, the maxim that a man shall not be judge in his own cause, the rules regulating the burden of proof, the presumption against fraud, and many others, will be found to have an application almost universal.

Here, however, it is necessary to meet an apparently formidable, but, in reality, most unfounded objection. By some persons the existence of natural law, or the law of nature, is denied—a denial caused partly by the tendency of man to reject whatever puts a restraint on his passions and propensities, but more usually the result of misconception of the meaning of the expression. By "natural law," or "law of nature," is meant the rule of human action deducible by right reason alone from the nature and condition of man. It is in truth the *Common law of the human race*, and melancholy indeed, would be the conclusion that man was left by nature free from all obligation and destitute of all law. I must, however, advert for a moment to the arguments of those who maintain that view.

One class of objectors to the existence of natural law, to whom much countenance has been given by the language of Bentham* and his school, say that the supposed law of nature cannot be looked on as a law, because it is not promulgated by a visible superior, and is not to be found in writing—in other words, that there is either no such thing as customary law, or that if it does exist, it is of an inferior nature to written law. It is very difficult to understand how any rational being could arrive at such a conclusion. If writing be essential to the existence of law, I ask, was there then no law in the world before the invention of letters? and is there none now in lands (if such there be) where writing is unknown? Again, is all Divine law, both natural and revealed, to be treated as a nullity because the superior from whom it emanates is invisible? But the entire notion rests on a misunderstanding of the word law, when understood, as it necessarily must be here, in the sense of "jus" or "droit," and not in that of "lex" or "loi." In this sense law is a rule of human action, duly promulgated, and properly sanctioned. But promulgation may be direct or indirect; there is the silent promulgation of custom, and the open promulgation of

* Principles of Intern. Law, Essay 1; Bowring's Ed., vol. ii., p. 537. General View of a Complete Code of Laws, cc. 23 and 31; Bowring, vol. iii., pp. 200 and 205. Papers on Codification, Part 1, No. viii., Letter 8; Bowring, vol. iv., p. 504. Petition for Codification, Bowring, vol. v., p. 546.

legislation. There has always been a large amount of customary law in the world, seeing that customs have a natural tendency to spring up wherever men are congregated together for any purpose; and even in states and societies which possess written laws, customs insensibly arise, not merely to supply their deficiencies, but to interpret, and, in many instances, to control them. We accordingly find that the jurists of every age and country, have recognised the existence of the two kinds of law—written and unwritten. Instances of customary law are to be found in the Old Testament,* and likewise in the Ordinances of Menu,† composed in Hindostan about 1000 years before the Christian era. Justinian and Ulpian also, who, whatever their other deficiencies, cannot be accused of ignorance of the Latin laws or language, tell us,‡ that their law consisted of written and unwritten, and that it was the same among the Greeks. In more recent times, Suarez and Grotius, differing as they do in many respects, agree in this. Lord Bacon sums it all up in a word, by saying, "Customs are laws written in living tables." § And it is well known that the greatest part of the law or *jus* of this country rests in its unwritten or customary law.

Bentham and his school insinuate rather than assert the fallacy which denies to custom the title of law; and by many others it is more often felt than expressed. That great man, for such with all his faults he was, seems to have been led into it by his earnest desire for codifying the municipal laws of every country, and even for codifying the law of nations. These are projects into the fitness or unfitness of which it is unnecessary to enter on the present occasion: but supposing them desirable, any advantage they could bring would be dearly bought if coupled with establishing the dogma that there are no such things as natural rights, and that primary jurisprudence is but a fiction or a dream.

Other objectors say that what is called natural law is not a law, because it has no visible sanction. But this is unnecessary provided it has a virtual one, and it will be found that the sanction of natural law is threefold. 1. That which is supplied by the conscience of men. 2. The opinions of others denouncing conduct in violation of its principles; and 3. In the case when what are called perfect, as contradistinguished from imperfect, obligations are violated, the *ultima ratio* of force or war. This division is to be found in Pothier‖ and other jurists of the first rank. Some modern writers, indeed, deny it, and say that all obligations are perfect; but this is a mere play upon the word. In one sense every obligation is perfect, namely, that the individual whom it affects is

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* Ruth iv. 7; 1 Sam. ii. 13; Ezra iii. 4, &c.

† Ch. viii., on Judicature, §§ 41, 42. Translated by Sir William Jones. See his Works, vol. iii., p. 280.

‡ Inst., lib. i., tit. 2, § 9, and lib. iv., tit. 17. Dig. lib. i., tit. 1, l. 6.

§ Proposal for Amending the Laws of England.

‖ Traité des Obligations, Article Préliminaire.

bound in conscience to perform it; but a moment's reflection will convince any one that there are many things which a man ought to do, which he cannot rightfully be compelled to do if he refuses or neglects. The adopting the notion that the law of nature has no sanction because there is no visible superior to enforce it, would lead to absurd and dangerous consequences. Is, I ask, the Divine Law without a sanction, because there is no visible superior to enforce it? The conventional rules which regulate society and social intercourse have no sanction from a visible superior. Have they then in reality no sanction? Let any man desirous of ascertaining this violate them deliberately, and he will soon find that they have a sanction, aye, and a stinging one.

The existence of natural law has also been attacked from a quarter little to be expected. I allude to a class of persons who urge that to admit the existence of any law or morality antecedent to revelation is doing a dishonour to revealed religion. In answer to this piece of fanaticism and folly, Grotius* adduces several instances from Scripture, in which the Almighty Himself is represented as appealing to principles of natural justice in vindication of his own dealings; † and I will merely add the observation of Locke‡ that the advising a man to set aside his reason in order to make way for revelation, is like advising him to put out his eyes, in order that he may the better receive the remote light of an invisible star by a telescope.

I have designated the law of nature "The common law of the human race." If that be so, it is obligatory on man in every possible state in which he can be found, civilized or uncivilized. In order to illustrate this, writers on natural law, and Pufendorf in particular,§ have spoken of man as living in "a state of nature"—an expression that has been subjected to much and very undeserved ridicule. This, however, arises from a misconception alike of the subject and the author. Pufendorf premises, that by the natural state of man he does not mean the state which nature intended as the most perfect and fittest for him, but that in which man is conceived as placed by his birth, independent of all inventions and institutions, divine or human. He then quotes the beautiful but fanciful descriptions of Horace‖ and Lucretius,¶ of mankind in that state, and adds,** "We acknowledge, however, that the whole human race never was in a pure state of nature, nor ever could, if we are to believe what is stated by Divine authority, that the human race sprang from one couple. . . . The natural state never existed in fact, unless in a

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* De Jur. Belli ac Pacis, cap. 1, § X. v.

† Gen. xviii. 25; Isaiah v. 3; Ezek. xviii. 25; Jerem. ii. 9; Mich. vi. 2; Rom. ii. 6, and iii. 6.

‡ Essay on Human Underst., Book iv., c. 19, § 4.

§ Jus. Nat. et Gent., lib. ii., cap. 2.

‖ Satif. lib. i., sat. 3, v. 99, et seq.

¶ De Rer. Nat., lib. v., v. 923, et seq.

** Jus. Nat. et Gent., lib. ii., cap. 2, § 4.

qualified or partial form; that is to say, when bodies of men join together to form a civil state, or something analogous to it, while towards the rest of mankind they retain their natural freedom." Whether the human race was ever in a state of nature or not it is needless to inquire; the rights of man in that real or imaginary state are equally valuable for the purpose of illustrating his rights in the more complex forms of society. The "law of nature" must, therefore, not be confounded, as it frequently is, with the "state of nature," or with the "propensities of nature." "Natural law is not regulated by its accordance with sensitive, but with rational nature."* *E. g.*, A man injures another: to take revenge on him is the propensity of nature, but most assuredly is not its law. So, to appropriate your neighbour's wealth to yourself is the propensity of nature, but the law of nature says, "forbear; that would be a wrong."

A very strong illustration is supplied by public international law, by which I understand that rule of conduct which binds nations and governments in their conduct and dealings with each other.† Some persons, who admit the existence of natural law among men in general, deny that it has any force or obligation among states or nations, and assert that the only true law of nations is to be found in their customs, and the treaties and conventions into which they have entered with each other. Such however, is not the language of the great authors on international law, who all agree that it is divided into two parts—the natural (or primary) and the conventional (or secondary) law of nations: the former being the principles of the law of nature applied to states, the latter the limitations and additions introduced by customs, treaties, conventions, &c. This is the view of Grotius,‡ Pufendorf,§ and Suarez,‖ who may be looked upon as the fathers of the science in modern Europe, and has been recognised by most of the subsequent writers upon it, including even the modern ones, Wheaton and Phillimore. I freely admit, indeed, that the analogy between individuals and states is not perfect. "The natural law of nations," justly remarks Vattel,¶ "is a science of itself, which consists in a just and reasoned application of natural law to the affairs and conduct of nations and sovereigns." Moreover, if the law of nations consists solely of customs, treaties, and conventions, it has no sanction, at least no moral one: nations have no inducement beyond their own interest or convenience to observe their engagements, or refrain from offering wrong or injury to each other.

One would suppose that the bare statement of the proposition that although men are bound to each other by the principles of morality,

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* Suarez, De Leg., lib. ii., c. 17, § 6.
† Grotius, De Jur. Belli ac Pacis, lib. i., cap. 1.
‡ Id. lib. i., cap. 1.
§ Jus Nat. et Gent., lib ii., c. 3., § 23.
‖ De Leg., lib. ii., c. 17, § 19.
¶ Preface to the "Law of Nations."

nations are not, carried its own refutation with it. Not only do the question instantly present itself, how can men by forming into states become released from those principles and the sanction of conscience, but the belief in such a dogma is utterly inconsistent with the peace of the world. It openly proclaims impunity to every power that feels itself strong enough, and is unprincipled enough, to disturb the peace—whether that power presents itself in the shape of an ambitious monarch, an overbearing oligarchy, a grasping aristocracy, or a propagandist republic—and lets loose the spirit of conquest and rapine to act as it pleases. The primary law of nations, on the contrary, substitutes the reign of law and reason for that of force and passion, teaches men that they are brothers, that even in the extreme of war they never entirely lose that character, and are to use no more violence than is necessary to attain the object of all legitimate warfare — the establishment of safe and honourable peace.

Let me give an instance or two of the consequences of the dogma, that nations who meet for the first time, and, consequently, are not bound to each other by any convention or treaty, and are not near enough to be affected by any common custom, lie under no mutual obligations. When the Spaniards discovered the Western world, they found there peoples of whose very existence they previously were ignorant, and who were equally ignorant of theirs. Here could have been no antecedent conduct to bind either; and to suppose these Western peoples bound by the artificial regulations established by European nations for their own guidance, is simply ridiculous. How did the Spaniards act? History tells us, like fiends in human shape—that every form of bloodshed, violence, cruelty, and rapine, were, utterly unprovoked, without even a pretence, except the false and blasphemous one of propagating the true religion, inflicted by them on the unfortunate aborigines. But, if there is no such thing as primary international law, in all this the Spaniards did no *wrong*. In the same way the conduct of European nations in general, both in the Eastern and Western hemispheres, including all that our own country has ever done, or been accused of having done, in the East Indies, would be not only irreprehensible, but possibly even laudable.

The argument used by those who deny natural law because it is not promulgated by a visible superior and is not in writing, is repeated by those who deny primary international law. Others add that international law is more vague and uncertain than natural law, and that its sanction, if it have one, is weaker. I very much doubt the first of these latter propositions; and in answer to the second, will just observe that we see the cases where the sanction of international law fails to restrain the lust of conquest, oppression, and plunder, and do not see those where its influence prevails. To this must be added that nations, like men, are not always so black as they are painted. Many acts done by governments, which

are apparently immoral, are not so in reality, if we knew all the circumstances. The secret history of states is oftentimes very difficult to get at; besides which, unsentimental, or even ungenerous conduct, is not necessarily illegal conduct. Besides, the argument in question proves too much; for if international law is no law, because its violators often escape punishment, then municipal law is no law, because even under the best judicial systems criminals often escape punishment. Then, as to vagueness and uncertainty. While I freely admit that international law is not in the state that could be desired, its general principles are clear enough. In municipal law it has been well remarked that the law rarely hesitates in declaring its own meaning, and that the immense majority of causes litigated in courts of justice are wholly or principally disputes respecting facts: and this holds *à multò fortiori* in international law; because in an ordinary lawsuit, if the litigant parties differ as to the facts, there is an authoritative means of deciding them; whereas in the latter case, each of the contending governments determines the facts for itself as it best may; and has too often to discharge this duty amid a storm of misrepresentation, prejudice and passion, which renders calm reasoning difficult, if not impossible. Several of the questions which have disturbed or menaced the peace of Europe, will be found on examination to be nothing more than disputes about facts. The question, for instance, whether the attack on Copenhagen by the English, in 1807, was justifiable, really depends on a physical fact; and the case of the *Cagliari* steamer, which some years since nearly produced a war between the Sardinian and Neapolitan governments, depended on what is still more difficult to determine, a psychological one.

Dismissing these absurdities, and taking for granted with the wise and good in every age, and in accordance with the instinct of mankind, that there is a natural law,—a science of natural jurisprudence,—who could overrate its importance? And this brings me to *particular* jurisprudence. If the jurisprudence of a nation is based on fixed principles, albeit those principles may, in some instances, be lost sight of in its legislation, the knowledge of them must be the real key to any true understanding of its laws. The man who has studied jurisprudence, both general and particular, and mastered the principles on which they are founded, has the advantage that a man who begins at the beginning ever must have over him who plunges *in medias res* at once, and whose knowledge must therefore always remain fragmentary. Left to itself, the law of a country would soon become a stagnant and dangerous pool, and the fresh stream continually flowing from the inexhaustible source of general jurisprudence is requisite to purify it. Let us take a few examples.

In England the neglect of the study of jurisprudence is notorious, and, indeed, is gloried in. That law as a science either has no existence, or if it has, is wholly beneath the notice of the (*soi-disant*) practical man, and should be relegated to the region of dreamers and

visionaries, has long been the favourite axiom of the legal profession in this country. And how did the law flourish? All reform, wise or unwise, was opposed; and although our common law and theory of pleading were for the most part sound, our procedure, for want of men capable of mastering and applying principles, became a disgusting mass of technicality, fiction, and absurdity; and the evil progressed from age to age, until the present day, when, endurable no longer, an indispensable revolution in it was effected by the Common Law Procedure Acts of 1852, 1854, and 1860. Our pleading and practice, as they stood in the first part of the present century, are to be found in the works of Mr. Chitty and Mr. Tidd, which I cite as being far the best of their class. Whether posterity will believe that such a heap of pedantic, incongruous, and mischievous nonsense could have been endured for an hour in any land, it is difficult to say; but what will be their astonishment to learn that this system was firmly believed to be the very perfection of reason, and the slightest proposal for amendment in it resisted with the utmost fury: and, in any event, who shall calculate the amount of injustice, wrong, plunder, ruin to individuals, and disrespect for the law, which were its unquestionable offspring? One circumstance which fed the prejudice in its favour, was the undoubted superiority of this country in constitutional law, which was constantly appealed to whenever any reform was proposed. If, for instance, in those days, you ventured to suggest that it would be quite as well if parties were allowed to try their title to land in their own names as in those of two imaginary persons, and might do it without a string of fictions; or that when a defendant, who was charged with having damaged the plaintiff's grass, pleaded that he did not damage the grass, instead of using the cabalistic words, "not guilty," it was rather hard that he should have *final* judgment given against him—you were met by a storm of invective against innovators, and an elaborate panegyric on the magnificence of the British constitution, with a lament over the miseries of other lands which possessed nothing like it. But the British constitution and the procedure of English law came from different hands. "The wisdom of a law-maker," observes Lord Bacon,* "is one, and of a lawyer another;" and, as was well expressed at the time, you might pull the constitution to pieces, and no lawyer would say a word, but touch a cobweb in Westminster Hall, and out crawled the old spider, ready for battle.

Again, look at the manner in which our Acts of Parliament were drawn, and, to a certain extent, are still. It is worthy of observation, that the abuses in this respect and those in our procedure were introduced about the same time—the latter part of the fifteenth century. Coke upon Littleton† is my authority for the second part of this statement, and the statute-book is my witness for the first.

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* Adv. of Learning, Book ii. † 304, a. & b.

Our ancient statutes were short, clear, and intelligible. Early in the fifteenth century the style began slowly to alter, and gradually grew worse and worse, till about the middle of the sixteenth century, —the end of the reign of Henry VIII.,—recitation, repetition, and confusion reached the form and attained the ascendancy they have since enjoyed. Take Ruffhead's quarto edition of the statutes. The first volume contains all the statutes of England, from Magna Charta in 9 Henry III., A.D. 1225, to the end of the reign of Henry VI.; but as most of the statutes in that volume are set out both in English and the original Latin or Norman-French, we may safely deduct one-third for the repetition, and consequently assert that the statutes of this realm, for more than two centuries and a half, are contained in about two-thirds of a quarto volume. Three more volumes contain the statutes from 1 Edward IV. (1461), to the end of the reign of Queen Anne, in 1713; but the Latin and Norman-French versions disappear in the 1 Richard III., *i. e.* very early in the second volume. Four more volumes are consumed in the half-century reaching from the end of Queen Anne's reign to the 2 George III. in 1762, during which time Scotland had to be legislated for as well as England. But the statutes which have been passed by the legislature in the 100 years preceding the current one, present, as is well known, a mass of type with which the previous eight volumes containing the statutes of 537 years sink into insignificance. Allowance must doubtless be made for the altered circumstances and increased wants of society, and also for the union with Ireland; but can any man believe that *any* change in times or circumstances would justify the imposition on our jurisprudence of such a mountain of legislation? The truth is, that during the last four centuries our statutes were drawn by persons who were incapable, and who felt themselves incapable, of generalising, or stating in a reasonable number of words the principles they desired to express. They consequently placed on the statute-book partial applications of it; in construing statutes, the maxim "Expressio unius est exclusio alterius" was necessarily applied, and the cases thus omitted were commonly found to be among those chiefly in the contemplation of the legislature. Hence the adage, that a coach and six horses might be driven through any Act of Parliament.

These gigantic evils in procedure and legislation never could have existed if law had been studied as a science. Lawyers would not have attempted to introduce such practices, and were they weak or base enough to do so, those practices, if not themselves also, would soon have been swept away by the indignant voice of public opinion.

To proceed to other countries; and first of all France. Here we find the same cause of mischief, though developing itself in a different form. General and comparative jurisprudence do not flourish in France, and never can under the present system. The French believe their own law, and the Code Napoléon in particular,

to be absolute perfection, and the model of legislation to all the world. Far be it from me to deny its merits, in giving to France a reasonable and uniform code, in place of the discordant system which previously prevailed in each province, and, together with many other excellent reforms, establishing in that land the trial by jury and the publicity of judicial proceedings. But its value has been greatly exaggerated, particularly in one respect. It is commonly believed in France, and by many here also, that the legislation of the Emperor Napoleon I. has brought the law of France into a state so perfect and intelligible, that any Frenchman desirous of knowing the law of his country on any given subject, has only to consult a small book which he can with ease carry in his pocket. A gross delusion never entered the mind of man. The attributing to this legislation either unity, completeness, or immutability, demonstrates the most consummate ignorance both of the theory and practice of the law of France. In the first place, the laws of the Emperor Napoleon I. are not comprised in a single code: there are five bearing his name—the Code Civil, the Code de Procédure Civile, the Code de Commerce, the Code Pénal, and the Code d'Instruction Criminelle. But these neither contain, nor profess to contain, the entire law of France; various portions of which have been codified since, and much more remains uncodified to this hour. Many laws anterior to the first Empire are still in force in France, and all laws passed there by the legislature for the time being are regularly recorded and promulgated in the "Bulletin des Lois," which consists of a great number of large volumes. Nor has subsequent legislation spared the text of the imperial codes. Numerous and important alterations have been made in them, as any person who will take the trouble to look into the matter can easily ascertain: and lastly, the Codes Napoléon, young as they are, have already begun to feel the characteristic evil of written codes—the being overrun with comments. There is that of Locré, in thirty-one volumes; that of Touillier and Troplong, in nearly fifty volumes (and on the Code Civil only); that of Pailliet; and that of Teulet, D'Anvilliers and Sulpicy; &c.

In Germany there is less to censure, although even there jurisprudence is not cultivated as it ought to be. This is owing to several causes, but chiefly to one, which has also had its influence in other lands—namely, false notions respecting the Roman or civil law, and superstitious admiration of it. That law has had in truth a double existence: one in the land of its birth, and the other in countries which rose upon her ruins. The true way to dispel illusion on this subject is to advert to the great distinction that exists between the *historical* and the *actual* value of the Roman law. It is the law of a people, who, whether for good or evil we need not now inquire, succeeded in planting their authority, their laws, their language, and their religion over a great part of Europe; and after the fall of Rome the roots of her law remained in those countries where it had been planted. Moreover, the Roman law was patronized by the

German emperors, as a means of establishing a chimerical empire over all other nations;* and had likewise the enormous advantage of being taken up and fostered by the clergy of the middle ages, who dovetailed it with the canon law, and, as far as their power or influence extended, suppressed all other systems. By these means the Roman law has become the basis of a great portion of the general law of Europe. But this has little to do with its *actual* value. As well might it be contended that the Latin language, in which that law is written, is the finest of languages, because, owing to the operation of causes and the application of means not very dissimilar, it has become the most universal. With respect to the real value of that body of written law, the most opposite opinions have prevailed, and rarely has any system been more extravagantly lauded by its admirers, or unsparingly vilified by its enemies. Doubtless much may fairly be said on both sides. If the Corpus Juris Civilis contains the noble reasoning and philosophical spirit of the Pandects, it contains also the bigotry, the persecuting spirit, and the inanities of the Code; and even the Pandects consecrate the principles of domestic slavery and physical torture. So, if the Institutes are a clear and well-written summary of the principles of Roman law, they at the same time lay down political principles wholly inconsistent with civil liberty which, if worked out, would enthrone despotism all over the world. And many of the best things in all—Institutes, Pandects, Code, and Novells—are either borrowed from Greece, Egypt, or Judæa, or are principles of natural jurisprudence, which are likewise to be found in the laws of other countries which knew nothing of the laws of Rome, and, perhaps, never heard of her existence. Great and lasting would be the benefit to the human race, could the laws of Rome be reduced to their true level in the eyes of lawgivers and jurists!

Some have carried this blind adoration of the Roman law so far as to declare it the sole fountain of international law. Learn international law from the Romans indeed—a people whose notions were limited to subjugating and plundering the world, and who, whenever they felt strong enough, trampled on the rights of every nation. And if the Roman law even were the base of international jurisprudence in Europe, how could its rules bind nations beyond its limits, who had never acknowledged the Roman name? One very mischievous consequence of all this is, that the views of European jurists have been limited to the extent of Europe; they seek for jurisprudence in the Roman law or in that of their own countries, not reflecting that jurisprudence is to be found in and belongs to every nation, while it is the special property of none.

The real jurist is not bound by the limits of Europe, or of any

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* Gibbon's Decline and Fall of the Roman Empire, ch. xlix. vers. fin.; 1 Blackstone's Comm., 242.

portion of the world. Having learned all that Europe can teach him, he turns his view to that part of the globe—

> "Where the gorgeous East, with richest hand,
> Showers on her kings barbaric pearl and gold,"*

and finds there systems far more ancient than that of Rome, and nearly, if not altogether, its equal in merit. To omit, for obvious reasons, all allusion to the Mosaic law, look at the Ordinances of Menu,† composed in Hindostan nearly 1000 years before our era, where we shall find, encased, indeed, in a system of priestcraft and imposture, a code showing the clearness of the views of its author in the science of jurisprudence. Look, also, at the digests of Hindu law, which have been translated by Halhed, Colebrooke, and Strange. We shall there find codes reduced into form, as in Europe, two of which extracted from Sir William Jones,‡ deeply enamoured as he was with the Roman law, the admission that they "approach nearly in method and in merit to the Digest of Justinian." Nor need we confine our view to Hindostan. There is the code of Mohammedan law, called the Hidáŷah, composed about eight centuries ago, of which we have a translation by Hamilton, which demonstrates the existence in the East of another great people to whom the maxims of jurisprudence were familiar. Nor does the jurist stop at Asia. The codes of every nation, however savage, bring some light to this great subject, and the works of Grotius and Montesquieu are much enriched and strengthened by quotations from them.

These comments lead naturally to the subject of *comparative* jurisprudence. One great use of this is, that it enables men to form just notions of the value of the law of their own country; prevents their either overrating or underrating it; shows us where we ought to borrow from other nations, and where they, if wise, will borrow from us; and thus acts as an excellent check on national vanity on the one hand, and undue depreciation of ourselves on the other. The obtaining correct ideas on this subject is a great step towards sound legal reform; for there it is necessary to guard against empiricism, and take care that in abolishing existing evils we do not introduce greater. There are two parties among us, one of which can see nothing wrong in the English law, and the other can see nothing right in it. The true philosopher and jurist looks on both with a smile of compassion. Then as to private international law—a subject whose importance is on the increase, and must ever go on increasing—its very existence rests on a knowledge of the laws of other lands as well as our own. This is so obvious, that to enlarge upon it would be waste of time.

There is one respect in which I am apprehensive of being mis-

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* Paradise Lost, Book ii.

† Ch. viii. on Judicature. Translated by Sir W. Jones. See his Works, vol. iii.

‡ Letter to the Court of Directors in England, 19 March, 1778.

understood. Nothing is farther from my intention than to attempt to disparage really practical men or true practical information, and were I capable of making such an attempt, in no part of the world would it prove more harmless than in England. The Englishman is essentially practical, rather too much so, for he asks the question of *cui bono* too soon: the danger a man incurs here is of becoming swallowed up in practice and neglecting principle, not of becoming theoretical or dreamy. The drill-serjeant's labours form the soldiers, who make up the army which defends the country, and all honour to him; but woe to the government that infers from this that the drill-serjeant is fit to command and manœuvre an army, much more to conduct a campaign. So of the practical man of the law. To him we resort for legal advice and assistance in existing difficulties as the law actually stands, and all honour to him also; but woe to those who convert him into a legislator.

If what I have said should have the effect of dispelling any popular, professional, or national errors or prejudices respecting jurisprudence; and of promoting the cultivation of a noble science, the study of which is the only safe guide to all true legal reform; and teaches men obedience to the laws of their country, by showing that they are not a collection of arbitrary rules devised for man's oppression and annoyance, but a system designed for the good and happiness of all, and founded on fixed and for the most part rational principles; in short, that like the universe, it is

"A mighty maze, but not without a plan;" *

my object will have been fully attained. Not that I pretend to say that much of the present paper is new. The necessity for law has ever been recognised by the human race, and the study of it in a scientific form has been recommended and practised by the ablest of its children. Of these I will only refer to one—the celebrated Hooker, and with whose words I now conclude. He looks on law in its most general sense, as including the rules which govern both intelligent agents and inanimate matter, and having defined it,† "That which doth assign unto each thing the kind, that which doth moderate the force and power, that which doth appoint the form and measure of working, the same we term a *law;*" he says,‡ "Of law there can be no less acknowledged, than that her seat is the bosom of God, her voice the harmony of the world, all things in heaven and earth do her homage, the very least as feeling her care, and the greatest as not exempted from her power; both angels and men, and creatures of what condition soever, though each in different sort and manner, yet all with uniform consent, admiring her as the mother of their peace and joy."

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* Pope's Essay on Man, Ep. 1.

† Eccl. Pol., Book i., § 2.

‡ Ibid, Book i., § 16.

On the Election of Representative or Governing Bodies by Exhaustive Majorities and Unanimous Quotas of the Constituencies. *By* THOMAS HARE.

AT our meeting at Bradford in 1859, I read a paper "On the method of Electing Representatives in Parliament and Municipalities," and I will now briefly report to the Association the progress of the movement.

My own labours, as well as my opportunities for diffusing a knowledge of the system, are necessarily limited. I had proposed three essays: the first, showing the result of the method in collecting in the representative body the *élite* of the community; the second, showing the manner in which effect would be given to the sympathies and opinions of every locality, and every combination of intelligence; and, in the third, it was my intention to have considered the operation, in the moral and mental culture of the individual man, of the habit of seeking out, and exercising his personal choice of those in whom his highest types of human excellence appear to be embodied. The first two papers were published in *Frazer's Magazine* for February and April, 1859. Before the third—and, in my estimation, the most interesting of the three views—could be prepared, it seemed to the caterers for the public taste that all interest in the improvement of representative institutions had departed. Since that time, in June, 1860, I read before the Statistical Society a paper "On the application of the method to the ascertainment of the votes of Majorities in a more exhaustive manner."* In a new and revised edition of my "Treatise on the Election of Representatives," published in 1861,† the method was greatly simplified. In a paper in *Macmillan's Magazine* for February in the present year (1862), on the University Election Act, I have treated on the same subject.

A select committee was appointed by the House of Lords in the spring of 1860, to inquire, amongst other things, into the causes of the difference between large and small constituencies, in respect of the proportion of the registered electors who usually vote in contested elections. It appeared to me, and to others, that on pursuing the inquiry into such causes, the deductive reasoning, which is necessary, might be verified by gathering the individual experience of a number of competent persons; and to that end, I ventured to address letters to many gentlemen in the metropolis and large towns, a considerable number of whom favoured me with replies. The committee of the House of Lords, however, after consideration, refused to admit the information I had thus collected, and it was

* Printed in the *Journal of the Statistical Society*, 1860, p. 337.
† London: Longmans. 1861. 8vo.

therefore in my power to give in evidence nothing more than a short and rapid generalization of the causes which, as constituencies increase, tend to diminish the comparative proportions, and lower the classes of voters, and to point out the remedy. *

In the latter part of 1860, several journals were forwarded to me from America, in which, "lamenting the symptoms of an approaching crisis in the disease of the body politic," the method of election pointed out was urged upon the American public as one which, the writers observed, "would work as potently to renovate the state legislature and the city councils, as it would to restore the character of Congress." † The civil war which has since desolated the States, has necessarily arrested the steps of political improvement, but the measure advocated in the papers I have referred to is in perfect conformity with the opinion of Mr. John Stuart Mill, who says, that if the plan "had by good fortune suggested itself to the enlightened and patriotic founders of the American republic, the Federal and State Assemblies would have contained many of the more distinguished and highly cultivated members of the community, and democracy would have been spared its greatest reproach, and one of its most formidable evils." ‡

In the great Anglo-Saxon colonies which are forming nations in Australasia, the subject of representative institutions has been felt to be of great and immediate practical importance. In South Australia some of the deepest thinkers have endeavoured to prepare the popular mind for the substitution of the method of real for what is called virtual representation,—a representation of all instead of a representation of majorities only. One of the ablest papers written on the subject I received from Melbourne. It bears the title of "A Plea for a *Pure* Democracy." In New South Wales, on the question of the construction of the Upper Chamber, a bill prepared on the principle of representation by units consisting of unanimous quotas, has been brought before and reported on by a committee of the legislature, and is now before the Parliament of Sydney.

The evils of representation left to the control of majorities, have been likewise felt amongst the most ancient of the free governments of Europe. In a communication from Mons. Morin, of Geneva, the author of "Précis de l'Histoire Politique de la Suisse," I learn that it is designed to propose to the Council of the Canton of Geneva, the adoption of the improved method of election, with a view to the proper representation of minorities in that assembly.

In a letter of three weeks ago, acquainting me with the steps that had been taken, and anticipating their success, Mons. Morin says,

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* Report of the Select Committee of the House of Lords, of the 26th of June, 1860, on the Elective Franchise in Counties and Boroughs, and the Evidence. Parl. Pap.

† *Philadelphia Inquirer*, 19th and 22nd October, 1860.

‡ Considerations on Representative Government, p. 146. Parker, Son, and Bourn. 1861. Second Edition.

"Ce ne serait pas la première fois que les idées germant dans d'autres parties de l'Europe, mais entravées ou arrêtées dans leur développement, auraient trouvé en Suisse un sol propice pour lever et être là repandues au-dehors."

It has become a matter of philosophical discussion in Germany, and in a letter which I received not long ago from Mr. Mill, he informed me of the attention which the scheme had attracted, and its adoption by an able writer at Zurich. He adds, "It is encouraging to find that, though practical politicians are only too glad to escape from the whole subject, right ideas, now that they are promulgated, are making rapid way among thinking persons, the future teachers of all parts of the world."

I must not omit to acknowledge the invaluable aid which Mr. Mill's "Considerations on Representative Government," as well as the second edition on his "Thoughts on Parliamentary Reform," has afforded in calling the attention of the highest order of minds to the proposed scheme, which, issued by one little known to the public, might otherwise have been very long in attracting notice.

On the Conflict between the Laws of England and Ireland. By R. Denny Urlin, *Barrister-at-Law, One of the Delegates of the Statistical and Social Inquiry Society of Ireland.*

The stranger visiting these kingdoms naturally expects to find Ireland united to England, not only politically and socially, but also legally. History has informed him that a uniting process has been going on for many centuries, and that in the year 1800 the "Union" was declared to be complete. He finds, notwithstanding, that there is no union between the laws of England and Ireland. A Parliament composed of representatives of both countries still enacts separate laws, which (apart from all other inconveniences) tend to keep alive those old distinctions which a wise legislature would rather have sought to efface.

This is an anomaly which the foreign visitor must be at a loss to understand. He knows that no analogy exists between this case and that of Scotland—a country which has always maintained its separate legal system. But Ireland has no separate system of law, except so far as statutes, exclusively framed, have tended to form one. The common law of England is that of Ireland, but in the statute law a thousand points of contrariety will at once be found; and these points of difference appear to have increased rather than diminished in number since the year 1800, when the so-called "Legislative Union" was accomplished. It may be that by calling the attention of the Department to this anomaly, something may be

The law regulating Appeals in Chancery is admittedly in an unsatisfactory state. The Master's decisions, although those of a judicial functionary invested with most of the powers, and performing most of the duties of a vice-chancellor, may be over-ruled by one other judge. The appeal from the Master lies, not to a court of appeal, but to the Master of the Rolls; moreover, the decision of the Lord Chancellor may, unless he exercise his option of calling in a common-law judge to assist him, be reviewed by a court of appeal consisting only of the Chancellor and a Lord Justice of Appeal. It is evident that the chances are against the appellant under these circumstances. The Chancellor may, however, by calling in a third member of the court, render the appellate tribunal a very excellent one. Evidently the court should be so constituted, that an appellant may claim, as a matter of right, to be heard by two judges who have not determined the matter previously; and the suitor whose cause has been adjudged by a Master, should be in no danger of finding that decision reversed by one other judge.

In the courts of common law it will also be found that late reforms have proceeded in a different direction to that taken in England. The "declaration" which formerly initiated the pleadings has been abolished, and a document comprising both writ and declaration, called a "summons and plaint," has been substituted. The plaintiff is not at liberty to choose in which of the three courts he will pursue his cause; the causes are parcelled out between the courts in a kind of rotation. The artificial system of special pleading cannot be said to exist; perhaps its only merit was, that it shaped out a definite issue or contention between the parties, and according to the present practice in Ireland, a meeting takes place before a judge, when the points at issue are finally ascertained in the presence of counsel on both sides. It may be added, that all preliminary applications to the judge in chamber, which in England are made by the attorneys, must in Ireland be made by counsel.

The Irish Court of Probate bears an exact resemblance to its English prototype, and affords a rare instance of an important legal reform effected on both sides of the Channel on the same principles. That court has, however, no jurisdiction whatever in matrimonial and divorce causes, which remain the special business of the Consistorial Courts. Possibly there are reasons, arising from the religious beliefs of the numerical majority of the nation, why no such jurisdiction should be given; and it is certain that the proposal to confer it would not be well received by large sections of the community. Still, regarding Ireland as an important part of the United Kingdom, it would appear to be the better course in legislating, to ignore those minor distinctions, which magnify in proportion as they are acknowledged, and to frame laws for all alike.

The very peculiar and exceptional state of Ireland in 1849, led all eminent statesmen to concur in the creation of a tribunal for the sale and transfer of land. Owing to circumstances which need not here be adverted to, the ordinary courts of justice were unable to free estates

judicial functionaries will be found in the Chairmen of Counties, who perform in Ireland all the duties of County Court Judges. That the Chairmen of Quarter Sessions should be professional lawyers, although not after the English precedent, is doubtless a salutary arrangement; but there seems no good reason why the circuit should occur but four times a year. It can hardly be doubted that it would, both on principle and to harmonise the systems, be an improvement to withdraw the county judges from ordinary practice, and to render their circuits monthly instead of quarterly.

The Irish law of charities was brought fully under the notice of the Department at the last annual meeting.* It is sufficient to state, that the Commissioners of Charitable Donations have no jurisdiction whatever as regards the administration of charities, their powers being limited to the recovery of bequests which are withheld.

The Irish marriage laws were also the subject of very elaborate inquiry at the same meeting. Their anomalies and mischiefs remain uncorrected. No greater condemnation of a code of laws can be pronounced than was contained in the statement of an able critic, that these laws are at once "lax and intricate."

The "Mortmain Act," intended to prevent the accumulation of estates by religious or charitable corporations, does not extend to Ireland, nor is it found that the inconveniences intended to be checked by that Act exist to any large extent in Ireland. Personal property is more frequently dedicated to religious uses than land, and many such bequests undergo a searching inquiry in the Probate Court in the course of the year.

It has often been doubted whether the General Registry of Deeds, in force in Ireland † since the reign of Queen Anne, has proved of advantage to the country. If it tends to preserve the evidence of title, it undoubtedly adds considerably to the cost of selling or otherwise dealing with land. The existence of a registry which contains a memorial of nearly every important deed executed, has also induced a degree of carelessness with regard to the custody and preservation of the deed itself, which does not exist where there is no registry. Of all great legal authorities, Lord St. Leonards, who is strongly opposed to a registry of deeds, has had the largest opportunity of observing its effect in Ireland. The Irish registry, always complicated, is now described as being in a state of hopeless arrear and confusion; the indexing, for example, being only brought down to a date many years since. But apart from this circumstance, and assuming the management of the registry to have been efficient, the results have not been such as to justify any regret that England is unprovided with a General Registry of Deeds.

Since 1850, the Deeds-Registry has been made use of for the additional purpose of registering judgments. Under the Act known as Sir John Romilly's Act, judgments in Ireland obtained after July, 1850, are not charges on the debtor's lands, unless

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* See *Trans.*, 1861, p. 147.

† Ibid., p. 158.

It is sufficiently well known that in our country the passing of new laws has become the sport of accident. No one is specially interested in their preparation; no one is accountable for their omissions and blunders. Let it be remembered in what manner legislation usually originates and progresses. If some public grievance exists, and has been loudly complained of for a course of years, and if several commissions of inquiry have considered and reported, probably the Government undertakes a measure. The law officer, or other high official to whom its charge is committed, considers how far it interferes with the existing law. The natural fear of treading on unknown ground, induces him to limit the operation of the measure to England or Ireland, as the case may be. Such of the Irish representatives, for example, as disapprove of the measure, or any portion of it, gladly consent to its operation being limited. It is enough for them if the proposed law be prevented from affecting their constituents. On the other hand, English members are often willing to let legislative experiments be first tried on Ireland, where their success or failure, though interesting to trace, will not they fancy be of very great moment. In this way the timidity of statesmen, and the narrow insular prejudices of representatives, combine to keep up the conflict of laws.*

The remedy for this, as for many other evils connected with our national legislation, would be the constitution of some central authority, (whether one minister or a board,) charged with the revision of the laws. The necessity for a "Minister of Justice" has often engaged the attention of this Department. Perhaps the plan against which the fewest objections can be urged, is that of a legislative board or council of five or seven members, of which the Lord Chancellor should be the president, and in which Ireland should be represented. Under the direction of such a council, the consolidation of statutes might proceed, with some hope of completion. All new projects of law might be scrutinised and amended, and their effect on existing laws determined; and the evils might be pointed out of hastily framed and incongruous clauses, too often grafted on the best drawn bills during their later stages. Above all, uniformity in legislating for the several portions of the empire would be ensured.

Let it not be imagined that the conflict of laws which has been considered is a merely sentimental grievance, a violation of theoretical symmetry and perfectness. It is the source of daily practical inconvenience to thousands. A large and increasing number of individuals, of all ranks in life, are connected by property, or com-

* Sometimes it is utterly impossible to suggest a reason why the operation of a new statute or section dealing with some branch of general law, should be restricted. For instance, there is the "Act to further amend the Law of Property, and to relieve Trustees," (22 Vic. cap. 35,) which applies to the United Kingdom with this singular exception. Section 22 places the Crown on the same footing as any judgment creditor with regard to the registration of Crown judgments, recognizances, &c. The section concludes with these words, "This section shall not extend to Ireland." The change in the law thus effected, was at least as much required in Ireland as elsewhere.

II. There are enactments which have ceased to be in force, without being expressly and specifically repealed; and these may be arranged in six classes:—

1. *Expired*,—that is, enactments which, having been originally limited to endure only for a specified time, have not been made perpetual or kept in force by continuance:

2. *Spent*,—that is, enactments exhausted or spent in operation by the accomplishment of the purpose for which they were passed, either at the moment of their first taking effect, or on the happening of some specified event, or on the doing of some act authorized or required; as, for instance, enactments confirming pardons for past offences:

3. *Repealed in general terms*,—that is, repealed by express words, but not by specific designation,—as, for instance, where an Act repeals all statutes theretofore made respecting apprentices:

4. *Virtually repealed*,—where an enactment is inconsistent with, or is made nugatory by, a later one; as, for instance, a provision relating to the refusal of heirs to marry at the request of their lords is virtually repealed by the Act which takes away tenure by knight's service and the fruits and the consequents thereof:

5. *Superseded*,—where a later enactment effects precisely the same purposes as an earlier one, by repetition of its terms or otherwise:

6. *Obsolete*,—of which class there are two species; (1) where the state of things contemplated by the enactment has long ceased to exist; as, for instance, where an Act prohibits Hospitallers and Templars from bringing any man into plea before the Keepers of their privileges for matters cognizable in the King's Court; (2) where the enactment is of such a nature as to be no longer capable of being put in force, in consequence of the alteration of political or social circumstances; as, for instance, where it is provided that a cry be made that none be so hardy as to sell wines but at a reasonable price, and that assay shall be made of wines two times a year, and all the wines that shall be found corrupt shall be poured out and the vessels broken.

III. To these two divisions, of enactments expressly and specifically repealed, and enactments which have ceased to be in force without being so repealed, are to be added enactments which are *unnecessary*,—that is, provisions which are of such a nature as not to require, at the present day, statutory authority. An instance is, where it is enacted that none, of what condition he be, shall, by art or engine, disturb any ship charged with merchandises to come to any port of England but to the port where the masters mariners and merchants will first of their free will arrive,—and so forth.

In the preparation of an edition the first problem to be solved is this,—how to discover the enactments coming under these three divisions. Beyond question, the safest way is to take first the Acts of the latest session, and to carry the examination backwards through preceding sessions. Whether it is better that the results of that

examination should be noted directly on the earlier Acts ascertained to be affected, or should be noted in a separate register for subsequent application to the earlier Acts, is a question which need not now be dwelt upon. But this plan of retrogressive examination may not on the whole be the most expedient. And there is this special difficulty attaching to it, that it necessitates either the publication in the revised form of the most recent parts of the statutes first, or else the postponement of the publication of any part until the examination of the whole statute-book has been completed. It was determined that the examination by us of the statutes should be carried downwards from the beginning.

The second problem is, when the enactments to be expunged are ascertained, how this knowledge is to be applied for the purposes of the edition. It has been considered, after much reflection, that an edition constructed on the plan of the mere omission of large numbers of enactments on the ground of their being virtually repealed, superseded, or obsolete, would not be generally acceptable; it would be perhaps unprecedented; and it could only be made at all satisfactory by the addition of notes justifying the omissions,—a course in many respects inconvenient. The only thorough plan is to repeal expressly and specifically all that is to be omitted, and has not been already so repealed. This process closes all question as to the propriety of any omission, and is the only mode in which it is possible for the Legislature to ratify any expurgation. The action of the Legislature must precede, not follow. It could not be proposed to Parliament to give authority to a certain revised or expurgated collection of Acts by declaring and enacting in a sweeping way that all the Acts in that collection should be in force, and that all not in that collection should not be in force. And that, for many reasons. Parliament could not be expected so to adopt any work in the lump. It would be anomalous to re-enact what, by the hypothesis, is already subsisting statute law. Many enactments which may be tolerated while resting merely on their original authority could not be proposed for re-enactment at the present day. Doubts whether or not an enactment is in force may be left undetermined in an edition, but a re-enactment of the kind under consideration would necessarily decide all disputed questions and thus compel a solution of doubts into which it is unnecessary to enter.

It seems clear then that the best, if not the only legitimate, mode of proceeding, is by a repealing Act preliminary to the edition. It is not, however, to be denied that a special repeal for the purposes of an edition is attended with risk. This plan therefore brings with it increased responsibility, which necessitates increased care, and that again leads to slowness of progress. Unfailing accuracy can scarcely be reckoned on. It may be hoped however that the courts and the profession will give an indulgent consideration to the result; that the real scope and object of the repealing Act will be regarded; and that the effect of the repeal will not be carried beyond the intention ascertained by *a fair and reasonable construction.*

A repealing Bill such as has been described for the reigns of Henry III. and his three next successors was brought in by Lord Westbury in the House of Lords, last session, as a specimen of the work which was then and is now in progress. The Bill was brought in that the design might be known and generally considered before the present session. A peculiar feature of the Bill was this, that it gave, in a separate column of the schedule, opposite each enactment proposed to be repealed, the reasons which are considered to justify that repeal. Under a Bill so constructed no enactment can be repealed without some reason assigned, and the reasons remain open for examination during the progress of the Bill.

The first two entries in the schedule may be taken as specimens:

20 Hen. 3. c. 3.	Punishment in cases of re-disseisin. Proceedings by the Sheriff in such cases.	*Obsolete. See* 3 *and* 4 *Will.* 4. *c.* 27. *s.* 36.
— c. 7.	Refusal of Heirs to marry.	*Virtually repealed by* 12 *Car.* 2. *c.* 24. *ss.* 1—7.

These entries are fair examples of a considerable portion of the work of which the results were embodied in that Bill. Much of the ancient statute law is gone by the abolition of real actions under the Act of William the Fourth, and much by the abolition of military tenures under the Act of Charles the Second. But even on these points, much caution is needed. Thus, the enactment giving a vicar the action of juris utrum for the possessions of the vicarage may be regarded as virtually repealed by the Act of William the Fourth, which expressly abolishes that, among the other real actions; but as the effect of that enactment is that vicars are to be considered in law as entitled to the freehold of the possessions of their vicarages, it would be improper to repeal it for the purposes of an edition.

There are other peculiarities connected with the ancient statutes which render them very difficult to deal with. Many of them are said by writers of authority to be declarations or affirmances of the common law. Others have by construction been extended to matters which seem altogether beyond their scope, according to modern notions of interpretation. Often, again, enactments which might be supposed to be inoperative at the present day are kept alive by some comparatively recent legislation. For instance, the series of enactments on the subject of papal provisions, directed against the encroachments of the see of Rome on the independence of the English Church, are blended with the enactments relative to the high offence of præmunire, and these in turn are applied by later Acts to subjects which are by no means obsolete. Thus, a dean and chapter not electing a bishop on a congé d'élire, and an archbishop or bishop refusing to consecrate after election, are by an Act of Henry the Eighth made liable to the penalties of a præmunire under the Acts of Edward the

should be distinguished, and might, perhaps, with a view partly to compression, be printed in a smaller or different type; but ordinarily it is conceived, they could not with propriety be omitted. For the construction of an Act and the ascertainment of the meaning of particular words in it, it is desirable that it should be looked at as a whole, unmutilated. It seems doubtful whether the omission of parts would be satisfactory to the profession. There are, however, without doubt, some cases in which an exception may be made. One of these, for instance, is the statute of Edward the First, De Conjunctim Feoffatis. The body of the statute relates, as the common title imports, to the plea of joint-tenancy in a real action; the whole of which part is virtually repealed. But there are tacked on a few lines at the end, without any apparent connexion of subject, relating to the issuing of prohibitions to ecclesiastical courts. This part seems to be in force, and must be printed in the edition; but it could scarcely be considered necessary to print all the preceding part of the statute along with it. It has been stated in Parliament, that it is hoped a repealing Act may be passed this session extending from the earliest date to the end of the reign of Henry the Eighth. If this can be accomplished, it may be further hoped that an expurgated edition, comprising all the living statute law for the same space of time, may be printed and published before Parliament meets again.

If any one should be disposed to complain that progress is slow, he must be asked to weigh what has been accomplished with the scanty means provided for so extensive a work; and to recollect that in all such undertakings much is done before any results can appear. Allowance, moreover, has to be made for unsuccessful experiments, for plans partially executed and then found by experience to be ineffective; and it is also to be borne in mind that a repealing Act forming part of this work was actually passed last session, dealing with a very large number of enactments for the period of about ninety years, reckoned backwards from 1858.

In conclusion, an inquiry may be anticipated what reduction of bulk will be effected. The third volume of the statutes of the realm contains the statutes of Henry the Eighth, and runs to 1,032 of the largest folio pages. Of these about 174 pages appear to be already repealed. About 370 may be regarded as local or personal. About 318 may be now included in a repealing Act. The residue, about 160, must be retained in an edition; but of these about fifty are of such a nature that they cannot be regarded as directly operative at the present day, though they may affect titles, or may for other reasons be unfit to be repealed,—for instance, the Acts suppressing monasteries. If these can be put apart in a separate volume or appendix, there would remain to be printed as living statute law about 110 pages only out of the total 1,032, or a little more than a tenth of the whole.

It is not necessary to go into the figures for the first and second volumes. The proportions vary, but in all periods the reduction will be large. It must not be supposed, indeed, that the proportion of

ng law decreases for the time before Henry the Eighth according e remoteness of the date of enactment. The earliest statute in book, the Statute of Merton, of the twentieth year of Henry the rd, A.D. 1235, contains eleven chapters. Of these no one is ady repealed, and five must be retained in any new edition. The two chapters (and it may be thought a creditable fact in this y legislation) are for the protection of the interests of widows, in ation to their dower and other property. Another chapter lays vn the rule which to this day restricts the right of the lord of a nor to inclose the wastes of the manor, as against the tenants. A rth contains the first statutory recognition of the right to appear attorney. And the remaining chapter of the five is the celebrated ctment, so momentous in its social effects, and of such high conutional interest, in which it is recorded that "all the bishops anted the lords, that they would consent that all such as were n before matrimony should be legitimate, as well as they that be n within matrimony, as to the succession of inheritance, for so ch as the church accepteth such for legitimate. And all the earls barons with one voice answered, that they would not change the s of the realm, which hitherto have been used and approved."

In this paper no direct arguments for the utility of a revised tion have been put forward. Some of the benefits of such a work e been, it is to be hoped, manifested by what has been said. It y be added, as a last word, that although a revision of this kind omplishes much of what is aimed at by consolidation, yet it is at sent regarded as a step towards a future digest or consolidation the statute law. Any scheme for consolidating or digesting the itten law must be attended with great difficulties; but certainly h a work, whenever undertaken, will be much facilitated by the vious excision of all dead and useless matter from the statutebk.

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n *Private Bill Legislation.* *By* ALEXANDER PULLING, *Barrister.*

MEDIATELY connected with the general question of Consolidation the Law, is that of dealing with enactments deviating from, and nflicting with, the general law—having a special and exceptional aracter—and finding their way into our statute-book by means of ivate Bills promoted in Parliament at the instance and for the ecial occasions of individuals.

Private Bill Legislation, whether viewed in this aspect, or so far as involves the consideration of the right mode of giving the sanction the State to private undertakings of a public character, peculiarly serves the attention of this Association—being, indeed, of hardly ferior importance to any topic ranging under the head of Jurisudence.

The immense accumulation of local and personal Acts of Parment passed in our time—their necessarily anomalous character—

the costly, unwieldy, and unsatisfactory nature of the proceed[illegible] previous to their enactment, and the confusion which follows fr[illegible] their conflicting provisions—have all tended to make the evil [illegible] the modern practice of Parliamentary legislation under private B[illegible] to be very extensively felt; whilst the want of an efficient [illegible] satisfactory system of dealing with legitimate applications for [illegible] State sanction to public undertakings of works of a private c[illegible]racter, affects not only the promoters, but the whole community.

The jealous doctrine of our Constitution requires the sole sanction of an Act of the Legislature to justify any deviation fr[illegible] the general law of the land. The abuses arising from an arbit[illegible] power of dispensing with the operation of the law in favour of, or [illegible] the prejudice of, individuals, sufficiently appear in the history of [illegible] country previous to the Great Revolution—charters and pat[illegible] granted from caprice or for money, arbitrarily assuming to cre[illegible] monopolies, immunities, and privileges, which are now altogeth[illegible] repudiated as legally within the scope of the Royal prerogative.

The practice of *Parliament* interfering to exercise its paramo[illegible] power, by means of special dispensation from the general law [illegible] private occasions, grew up very gradually, and seems in early tim[illegible] to have been exercised only on very extraordinary emergencies. Th[illegible] obsequious Parliament of Richard III. passed, at the special instan[illegible] of that famous sovereign, a number of private Acts, one of which was "*to prove the King to be true and undoubted heir to the Crown, and to make his brother's children bastards,*" and the bulk of the[illegible] enactments was quite in accordance with this sample. Subsequ[illegible] Parliaments during that turbulent period, equally obsequious to the party for the time being in the ascendant, freely provided for the legal attainder of their less fortunate rivals, and the special confis[illegible]cation and appropriation of their private estates.

The practice of these exceptional enactments by the supreme Legislature was gradually introduced in more peaceful times, to give a legal confirmation to questionable titles to land, and to amicable arrangements relating to estates which the dealings and encumbrances of former owners, and the pernicious ingenuity or blundering of professional conveyancers, had succeeded in so completely entangling, that an Act of the supreme Legislature alone could cut the Gordian knot.

Such *Estate* Acts, with Enclosure Acts, Special Divorce Acts, and Naturalization Acts, occasional statutes for the local regulation of a corporate town or populous parish, or the establishment of a small debts' court, constituted almost the only private or local and personal Acts to be found in our statute-book, up to the beginning of the reign of George III.

We all know how, during the century that has since elapsed, improvements have been made in our sanitary regulations and general local management; how ports, harbours, docks, and piers have been formed, the navigation of our rivers improved, and internal communication extended and promoted, progressively by the

The Legislature has of late years made provision for the substitution of general laws in lieu of some of these minute exceptional provisions. Thus a useful Act carried through Parliament by the present Lord Chief Baron when Attorney-General, 5 & 6 Vict. c. 97, swept away a whole host of arbitrary provisions in local and personal Acts as to double costs, notice of action, limitation of actions, and special defences, &c., and substituted half a dozen simple general provisions in their stead: but even this useful fragment of reform has been in some instances frustrated, by the framers of subsequent local Acts perversely introducing inconsistent provisions for the same objects. Parliament, during the last sixteen years, has been induced to pass a number of *Clauses Acts*, containing common forms for clauses usually inserted in certain local Acts; and the framers of the special Acts have been thus enabled (*if they were so inclined*) to materially shorten the number of *special clauses;* but this intended improvement has not by any means cured the evils and inconveniences already referred to. The Clauses Acts have no operation unless altogether or in part *voluntarily adopted.* They do not at all affect local Acts in force before 1845, and have been too often rendered inoperative as to subsequent Acts, the constant aim of Parliamentary draftsmen being to introduce special clauses, and the laxity of practice in committee admitting of this, though their effect is so to neutralize the advantage of the Clauses Acts.

With such a variety of special provisions in local and personal Acts it is never safe to assume that the general law is not materially modified by them. The local Act clauses on so many distinct and minute subjects defy the vigilance of the judge, the magistrate, and the professional lawyer. Capable at every turn of being dragged forth to take an adversary by surprise, they must materially encourage the popular belief in the glorious uncertainty of the law.

It is altogether in vain that the general law is consolidated, simplified, or amended, when a thousand exceptions are suffered to exist in the shape of local Act clauses, drawn in each particular case according to the degree of skilfulness, conscientiousness, or caprice of the draftsman.

The practical grievances of the present system of Private Bill Legislation as regards those more immediately interested in the undertakings affected by them, are far more serious than the inconveniences already referred to.

The procedure on private Bills in Parliament at the same time that it is more costly and elaborate than that adopted for any other purpose, is wholly unsatisfactory to the public, and ineffectual in insuring a full and proper investigation of the real merits of applications for such a solemn sanction as a special Act of the Legislature.

The *Standing Orders* of Parliament prescribe a great deal of preliminary proceedings on the part of the promoters of private Bills as to notices, deposit of plans, books of reference, &c., and formal proof of compliance with such requirements before the Examiner; but the only actual investigation into the merits of an application for

many as 400 fighting men; and the lengthened period to which these proceedings are carried leads in itself to many inevitable evils, and almost to the certainty of the facts proved or statements made at the commencement of the case being forgotten before the proceedings are terminated.

The members of Private Bill committees are not infallible, or necessarily of more retentive memories than our ordinary judges; and whilst the latter decide nothing of any importance except from authentic notes of the facts, the former are left to depend only on their own recollections, distracted by the adjournments and interruptions in the proceedings, or their own occasional absence or inattention. There is no authentic record of the facts with which the committee have to deal, or any authentic note of the evidence, except that supplied by the verbatim pages of the whole proceedings, speeches, and statements, produced at the end of each day by the short-hand writers. The impression made by the speeches of counsel, or the no less zealous and one-sided recommendations of the scientific witnesses, may easily outweigh the facts actually proved; and the loose mode in which the inquiry is conducted too often admits of hearsay in the place of positive evidence, and does not even prevent the admission of hearsay *in its most objectionable form* —statements designedly made out of doors to individual members of the committee, upon whose unbiassed judgment the decision is to be ultimately arrived at. The statements and evidence are at length brought to a close, the committee-room is ordered to be cleared, and the decision is come to, the *result* only, "proved" or "not proved," being announced—the *reasons for the decision of the committee being always withheld.*

The parties to the proceedings and the public out of doors are at once precluded from judging whether the decision of any Private Bill committee legitimately follows from the facts proved, and from deducing from any one decision rules of principle or practice to serve as a guide for the future. The committee are practically invested with the absolute power of determining the fate of the Bill, and from their decision there is really no appeal.

The consumption of public time in these inquiries is a very serious consideration. In the Parliamentary session of 1846 there were no less than 500 separate sittings of select committees on railway and other private Bills, the number of committees sitting at the same time varying from 17 to 34. Such a consumption of the time of honourable members on Private Bill business instead of the public business of the nation is in itself an evil, affecting the public as well as themselves. The procrastinated sittings of committees, however, cause in some cases a merely idle waste of costly attendance of engineers, surveyors, and other highly remunerated witnesses, waiting week after week their turn to be examined, and adding their compensation to the heavy sum total of the cost.

The actual cost of proceedings before these committees to the

be altogether impracticable to get at a correct statement of the actual cost of the five hundred local and personal Acts which have from time to time passed through Parliament, professing to govern, to regulate, benefit, or improve this great metropolis and its endless local subdivisions of cities, townships, districts, parishes, &c., by vesting the management of its noble river, its docks, piers, bridges, streets, sewers, pavements, markets, exchanges, churches, hospitals, workhouses, water and gas supply, &c., in so many special boards, commissioners, committees, companies, and individuals.

These enormous expenses of local and personal Acts all unhappily in some shape fall on the public, as a charge on the payer of rates and dues and tolls, or at all events on the holders of shares in undertakings affected by such special Acts. The dread of incurring such expenditure paralyzes many useful enterprises, the principle of which has been already over and over again sanctioned by Parliament; and the expenses are so serious, that it is even sometimes worth while to run the hazard of contravening the general law rather than pay so ruinous a rate for the requisite dispensation at the hands of Parliament. Many gas companies, for instance, in country districts, to avoid the impracticable expenses of special Acts, run the risk of altogether dispensing with a sufficient legal sanction for digging up streets and roads, and doing other things usually the subject of *Parliamentary powers:* and whilst persons who have a legitimate interest in useful enterprises often give them up rather than be so severely mulcted in the shape of Parliamentary costs, it is to be feared that too often the tempting inducement of the very free allowance of the costs of all Parliamentary proceedings, has been the chief moving power in promoting Bills, the preamble of which held forth great public benefits, but the only result of which was Parliamentary costs, coming immediately out of the pockets of the dupes of the dishonest promoters, or securely charged on a fund created by Parliament at their instance, practically for the sole purpose of paying them.

These evils and inconveniences have each in their turn been felt and exposed—various remedies have been from time to time suggested, but none hitherto without being open to the suggestion that the proposed improvements would let in other evils and inconveniences of a more serious character than those they assume to get rid of.

Parliament has refused to sanction any proposal by which the authority now delegated to select committees should be wholly transferred to a newly constituted tribunal, specially appointed for the purpose. It has, however, not yet been sufficiently considered whether, without derogating from the rights and privileges or constitutional authority of either branch of the Legislature, an improvement of a practicable character cannot be effected, so as to ensure order and system in lieu of the anomalous course of procedure at present adopted, and to make the obtaining the special sanction of Parliament, when legally required, a matter less costly to individuals and more satisfactory and beneficial to the community than

reduced to writing in the first instance, so as to prevent the mind of the Judge from being diverted from his legitimate province of applying the law to those ascertained facts. In the Courts of Common Law, whenever mixed questions of law and fact arise, the useful practice has been gradually introduced of having the facts first ascertained, and reduced into the form of *a special case* for the Court to decide on.

Hardly any reform in the course of procedure in the Courts of Common Law has been productive of so much advantage as this effected by means of these special cases framed out of Court by barristers, and stating, for the opinion of the Court, the facts with which the Court has to deal. Many important matters in dispute, which under the old system would have required the ordeal of complicated pleadings, a trial at Nisi Prius, and perhaps a Bill of Exceptions, in order to have the real points in question disposed of, are now at once submitted to competent barristers, *to ascertain the facts* either from the admissions on both sides, or after hearing all parties, and examining the witnesses and documentary evidence. The facts so ascertained are then stated in the *special case* concisely and intelligibly for the decision of the Court, so that the Court has before it in the most satisfactory form all the materials on which it can adjudicate.

The Court sometimes, but rarely, finds it necessary to have the *special cases* re-stated; generally they suffice to enable the parties to obtain the decision of the Court upon the real points in dispute, and they serve most effectually to prevent misapprehensions on appeal to the superior tribunals.

Let a somewhat similar mode of procedure be *made compulsory* in the case of private Bills. Let a sufficient number of competent Examiners be appointed to inquire not only into compliance with the Standing Orders, but also into the facts of each case, and the evidence adduced by all parties. Let the Examiners of course have power to call owners, occupiers, the representatives of Public Boards, surveyors and engineers, and all other necessary parties and documents before them; *and to conduct the whole or part of the inquiries in the locality affected by the scheme proposed;* and on the completion of the inquiry, let the Report in every case state the particulars of the scheme proposed, the objections made to it, the facts proved *pro* and *con*, and the precise way in which the Bill deviates from the general law. Let this special report of the Examiners accompany the Bill in its various stages, and each House would thus be enabled to deal more satisfactorily with private Bills than is practicable under the present system of procedure.

Parliament would not by such an alteration in its procedure be giving up any constitutional privilege or function which it at present possesses. The investigation into the merits of every Bill would still take place in committee; but with the special Report of the proved facts before them, the committees of both Houses would be able to give their whole attention to the real merits of each case, and

ADMINISTRATION OF JUSTICE.

Concentration of the Courts and Offices of Judicature. By THOMAS WEBSTER, M.A., F.R.S., *Barrister-at-Law.*

FOR upwards of twenty years the attention of law reformers has been directed to a concentration of the courts and offices of judicature as essential to the economic and efficient administration of justice. The course of events and recent changes have given such great additional importance to this question, that it can now hardly be regarded otherwise than as intimately connected with the progressive improvement, not only of the profession and practice of the law, but of our whole system of jurisprudence, and it will be a gratifying circumstance if the proceedings of this Association should be in any way instrumental to the attainment of this object. With this hope it is purposed in the present communication to trace the course of events and to call attention to some of the more prominent considerations connected with the proposed concentration. The insufficiency of the existing courts and offices for the proper accommodation of the judges, the practitioners, the jurymen, the witnesses, the suitors, and the public, was the subject of inquiry before a select committee of the House of Commons in the session of 1841 and 1842, appointed at the instance of the Incorporated Law Society on the motion of the then Attorney-General, the late Lord Truro. That committee was appointed to "consider the expediency of erecting a building in the neighbourhood of the Inns of Court for the sittings of the Courts of Law and Equity, in lieu of Courts adjoining Westminster Hall, with a view to the more speedy, convenient, and effectual administration of justice." The evidence taken before that committee was reported to the House of Commons on the 22nd of July, 1842, but no further action was then taken thereon.

The inquiry in the first instance with regard to the Courts of Law and Equity, (the Courts of Equity then holding their sittings during term time at Westminster,) was necessarily directed to and embraced not only the offices of judicature, but the still larger question of the concentration of the courts and offices in a locality contiguous to, or convenient for, the chambers and offices of the practitioners. Persons of the greatest experience and eminence on the bench and at the bar, Masters of the courts, officers and practitioners in every branch of the profession, concurred in the opinion that the concentration of the courts and offices of judicature in a central situation would promote, while their dispersion impedes, the economic, due, and convenient administration of justice.

It should ever be borne in mind that time is one great element of expense in litigation; delay is the source of annoyance and vexation, greater in many cases than failure; the first object of the suitor after getting into is to get out of court, anything between the beginning and end is only of moment to him as a step to the end, a day lost in the offices is just as much a day lost to him as a day lost in court;

immediate action, was a valuable contribution to the cause. The evidence collected by the two select committees was regarded by the profession generally as conclusive, but public attention was not again aroused to the subject, until taken up by the Law Amendment Society as part of the reforms urged by that Society on the Legislature.

Neither of the select committees of the House of Commons had fully inquired into the means by which the funds were to be raised for the clearance of the site and the erection of the necessary buildings; but the attention of the profession naturally turned to certain funds known as the Suitors' Fund in the Court of Chancery, and more particularly to that described as "The Profit Fund," which considering their origin and the way in which these funds had been dealt with on previous occasions for analogous purposes connected with the administration of justice, appeared most appropriately available for such a purpose as the concentration of the courts and offices of judicature. The Association is indebted to Mr. Young for a valuable communication on this point.

The subject of inquiry by the two select committees of the House of Commons was in terms limited to the question of a building on the Inns of Court in lieu of the courts at Westminster; but the Royal commission issued in 1859 was appointed to inquire into the "expediency of bringing together into one place or neighbourhood all the Superior Courts of Law and Equity, the Probate and Divorce Courts, and the Court of Admiralty, and the various offices belonging to the same; and into the means which exist or may be supplied for providing a site or sites and for erecting suitable buildings for carrying out this object."

That Commission entered on the inquiry with no narrow views as to objects of concentration, as to which they say: "In speaking of concentration we find it necessary to include, not merely that of courts with courts, but of courts with their offices, and, in a larger sense, with the chambers of the bar and the offices of the attorneys, and also the requisite of sufficient and well-arranged accommodation for the judges, the officers, the bar, the attorneys, the jurymen, and the public, meaning by the latter term, and especially with regard to the courts themselves, the suitors, witnesses, and such a number of persons coming either to learn or merely to satisfy a reasonable curiosity and interest as the indispensable character of open courts requires to be provided for." (See Report, par. 3.) The Superior Courts of Law and Equity are very commonly sitting in eleven places and often in more at the same hour, and single judges are frequently required to be sitting in two places at different hours on the same day.

The common-law judges have frequently to leave Westminster to attend at their chambers in Chancery Lane, thereby occasioning a delay and dislocation of business, known only to the practitioner, but productive of the most grievous consequences. On the insufficiency of the courts as regards structure, size, proportion, ventilation and

arrangement it would be difficult to speak in too strong terms of disapproval; the court in which we are now assembled (the old Exchequer at Guildhall) may be taken as a specimen of many, while the offices, which are but informal courts, are dispersed in every quarter of the legal districts.

Such being the state of the courts and offices of judicature as at present existing, it may be well to consider what is essentially necessary, what expedient and desirable, what practicable to include in the proposed concentration.

The concentration of each court with its offices, including in that term the offices for the Masters, retiring and waiting-rooms for the judges, practitioners, suitors and others necessarily in attendance, under one roof is essential. Separation of any one from the other part of this whole involves dislocation in the adequate working of each court, and delay in the proceedings, loss of time, and consequent cost to the suitor. Concentration of as many of the courts and their offices under one roof as may be reasonably practicable is expedient and highly desirable, but it can hardly be regarded as necessary or practicable that all the courts and offices should be under one and the same roof, provided they are contiguous to each other, with ready access, without the interruption of thoroughfares for other traffic than that of the courts and offices.

The tendency to what has been called the fusion of law and equity, or more properly, the assignment to the Courts of Law and Equity respectively of certain of the functions, powers, and proceedings theretofore exercised by, or belonging to, each, is a material element in considering the necessity of the proposed concentration.

Under recent alterations Judges of the Common Law and Equity Courts may be called upon to sit together; functions and duties hereto exercised exclusively by a Court of Law or a Court of Equity have been given and assigned to both, so that a suitor may now have a complete remedy in one and the same court before one and the same judge without having it split and inadequately adjudicated upon in two distinct courts. And although a complete fusion of law and equity may be neither practicable nor desirable, no one can doubt that great advantages will result from each court being required to do full justice to the case brought within its jurisdiction, and restrained from creating the delay or expense which the divided authority and remedy must occasion. The judges of different courts have frequent occasion, or may desire to communicate with each other for the arrangement of business, as well as for consultation or conferences on cases arising before them, and no one can doubt but that convenience for such communication, with other obvious practicable changes, would increase the efficiency of the Courts of Common Law to an extent almost equal to the addition of another judge to each court. Take as one illustration the dislocation and derangement of business, and consequent delay, by reason of the judges having to migrate from Westminster to Chancery Lane at an early hour of each day when the full court is sitting. The court is constantly reduced from four to

three, and not unfrequently from three to two, and then, should any difference of opinion arise, the case has to be adjourned to be resumed at some convenient season when the complement of the same judges who commenced the case, and the counsel engaged, may be in attendance. It would be a curious record were any one to chronicle day by day the lives of one hundred actions at law from the issuing of the writ to final judgment, with a true account of the cause of the suspension of animation which such record would exhibit. Such a chronicle, faithfully kept, would disclose consequences of the present system well known to experienced practitioners, but which would not be credited by their clients or the public. Another fertile source of delay from the severance of the court and its offices arises from the absence of the Master who may have acted in a particular case. The Masters and other officers of each court are an essential part of the system for the administration of justice; their chambers are courts of less dignity but equally essential to the system.

The concurrent testimony of all experienced persons as to the mischievous consequences of the separation of the courts from courts and offices from offices, and as to the advantage of a concentration of both, or the economy of the judicial time and labour, cannot be gainsaid; and the general question receives the strongest support from the testimony of the Master of the Rolls, Sir J. Romilly, as to the economy of time which his Honour finds to result from the contiguity of the Record Office to the Rolls Court.

The contiguity of the Master and other officers to the judges of every other court would lead to a corresponding economy of time in the discharge of their various duties, and would enable the Masters to relieve the judges of a large amount of the routine business which they are now called upon to dispose of.

The separation of the courts from each other and their distance from the chambers of members of the bar, is productive of an enormous waste of time and labour to that branch of the profession.

The Chief Justice of the Common Pleas, Sir W. Erle, and Mr. Baron Martin, then in practice at the bar, gave evidence before the select committee of 1842, and spoke in the strongest terms of the inconvenience and loss of time resulting from the distance of the courts at Westminster from the chambers in the Temple and Lincoln's Inn; from the necessity of waiting at Westminster the whole day when there was a possibility of any case coming on, without rooms for reading, writing, or consultation; without books except the library of the court; without adequate accommodation for conferring with clients, or drawing pleadings, or transacting the ordinary business of the junior bar.

The practical removal of the Courts of Equity from Westminster and their concentration at Lincoln's Inn, has, in a great measure, relieved that branch of the profession of this inconvenience, but it has produced a separation of the members of the bar practising on the two sides of Westminster Hall, so called from the fact that in olden times the Lord Chancellor sat in a court on one side,

counsel on a cause coming on, and it has been supposed that concentration of the courts would augment the existing evil instead of tending to the encouragement of the practice found so beneficial in the Courts of Equity of the leading counsel selecting some one court as their principal field of practice. It may be difficult, if not impossible, to provide against the contingency of individual practitioners accepting business more in amount or more widely scattered than under any system of concentration they can possibly perform, but the concentration of the courts and offices of judicature in the legal district would, it is conceived, reduce the evil as far as practicable.

The whole procedure in the Common Law Courts involves so much uncertainty that, according to the present distribution of business, the system adopted in the Equity Courts by the senior bar is impracticable, while the same reasons exist at both bars to prevent the junior counsel from selecting or confining his practice to one court. The different conditions of the two bars as regards the *Nisi Prius* business and the circuits also create important differences not to be disregarded; and under no circumstances probably could the system of the senior counsel confining themselves to particular courts be carried out to the same extent in the Courts of Common Law as in the Courts of Equity. Much might and would be done towards this desirable end were the irregularities and distraction of the present state of things reduced to the extent they would be by concentration of the courts, but the happiest arrangements which could be devised for the distribution of counsel would not remove the evils incident to the want of concentration. The annoyance and vexation from the conflict of business occurring in different courts, and of a counsel being compelled to leave his client in one court for another, would be quite a sufficient check on the supposed disposition of counsel to take business to which they cannot give their personal attention. But such are the irregularities of business in the Common Law Courts under the present system, that no one can calculate in the great majority of cases when his services may be required. The necessity of counsel following a case through the various courts of appeal presents an insuperable difficulty to the perfect carrying out of any scheme for securing that certainty as to the attendance of counsel which all parties would desire, and which it is conceived the concentration of the courts would effectuate to the greatest practicable extent.

The present state of things necessitates the employment of additional counsel in many cases, and compels the solicitor to be provided with a larger staff of clerks than would be necessary were the courts and offices in convenient connexion with each other; but what is of more serious consequence is, that the client is not unfrequently deprived of the personal attendance of his solicitor at the moment when such attendance is of the greatest importance to his interests.

A large proportion of the business in the offices and of the pro-

The financial part of the question will be the subject of a communication by a person most competent to speak on the subject and to give a history of the various funds which it is conceived may with propriety be appropriated to the proposed object. The objections to the appropriation of what is termed the Suitors' Fund, or a special part thereof, to any purpose but the reduction of fees levied on suitors in the Court of Chancery, involves or is founded on a distinction between Courts of Law and Equity which it has been the object of modern legislation to diminish or remove by the attribution to each of powers and functions hitherto exercised exclusively by one of them. It may be urged that the suitors in Chancery will be at least as much if not more benefited by the result of the proposed concentration, than by special reductions of fees in their favour with a continuance of the present system; but surely all the courts, whether of law or equity, including therein the Courts of Probate, Divorce, and Admiralty, with all the branches of each court, whether judicial or administrative, form together one great system, one comprehensive whole, in the efficiency and economy of which all subjects of the realm have a common interest and to which any funds, from whatever source derived, in the disposal or control of Parliament, may be legitimately applied.

The general principle that all courts for the administration of justice should be supported by general taxation, and that the protection of property requires the maintenance of civil tribunals as much as than of police, or military or naval establishments, may be regarded as hardly applicable to many cases connected with the distribution of property, and to a large class of cases occupying the attention of the courts. Such cases may be legitimately the subject of special taxation on the litigant parties, and the funds to be derived from this source may be available to a limited extent for the maintenance of the staff necessary for the administration of justice; but the capital fund for the construction of the courts and offices, should, it is conceived, be a charge on the public and not on the litigant parties, whatever contribution towards this object it may be thought fit to raise from them. It has been shown by Mr. E. Field and Mr. Young, that a very small charge on each writ issued would produce a revenue whereby a capital may be raised, which, with the portion of the Suitors' Fund in the Court of Chancery, called the Profit Fund, will be adequate for the purchase and clearance of the site, and the erection of the necessary courts and offices of judicature. The funds in the Court of Chancery proposed to be dealt with are at present the subject of various charges by way of annuity and otherwise, which charges are rapidly diminishing, and will, ere long, be diminished to such an extent as to admit of the fees now paid by suitors in Chancery being reduced and ultimately extinguished. A charge on the Consolidated Fund, moderate in amount and limited in duration, would provide for any temporary deficiency of funds from the special sources already indicated.

The Report of the Commissioners shows that Common Law

Magisterial Procedure: Reasons for its Revision, Simplifica and Uniformity. By GEORGE C. OKE, *Clerk of Mansion House Justice Room.*

THE object of this paper is to direct attention to the importan extensive summary jurisdiction exercised by the magistracy England,—whether as police, stipendiary, or unpaid justices,—in numerous Petty Sessions and police courts; to point out the de and diversities existing in the present practice before them (w appear not to be very widely known); and to show the neces as well as to offer some practical suggestions, for a new and prehensive code of procedure.

Extent of Magistrates' Jurisdiction.—This summary jurisdic whether in the punishment of minor crimes or in respect of numerous matters of a civil character, is entirely of stat authority, and is of very rapid growth, particularly during past twenty years; during which it has nearly doubled, both in number of matters and their importance, it being calculated nearly one-fifth of the Acts of Parliament passed in the inte relate more or less to magisterial duties, each session adding score fresh subjects for the cognizance of justices of the peace; at various times recently some portions of the criminal, as we the civil jurisdiction of the courts of Quarter Sessions have transferred to the Petty Sessions.* In fact, as has been aptly "the administration of the law, *in every-day affairs*, is altog entrusted to Magistrates."† Indeed, a synopsis or summary of *public* statutes only (in addition to a large mass of local sta referred to by Mr. Pulling in the paper read before us) w they have to administer now occupies, with the decisions forms, a bulky and well-filled volume of 1200 octavo pages, w *in extenso* upon the plan of Burn's Justice, last issued in 1845, six huge volumes, would now scarcely be contained in nine volumes.

The offences, strictly so called, in respect of which justices empowered to impose fines or terms of imprisonment, without tr by jury, are upwards of 2000,‡ and extend to large, varied, important classes; while there are placed within their summ powers multifarious matters, (which we will, for the sake of brevi designate their *civil* jurisdiction,) of a local and social character equal importance,—such as complaints relating to the wages apprentices, seamen, and servants; to the management of the several highways and turnpike roads; to nuisances, public and private, and the public health; the removal and settlement of the

* I allude to the Juvenile Offenders and Criminal Justice Acts, and the Gunpowder Licences Act, 24 and 25 Vict., c. 130.

† Vide *Law Magazine and Review* for February, 1860, p. 282.

‡ Upon the closest calculation I can make, the actual number is 2,092. Of course, some of these offences are of rare occurrence, and many are confined to certain districts, or are of a local character.

more rapidly. We are, consequently, compelled, in treating of the extent of the jurisdiction actually exercised by the magistrates, to confine our extracts and observations to the data furnished by these statistics,—namely, to "offences determined summarily," and those which are "indictable;" taking for our purpose the last three years of the published Returns—1858, 1859, and 1860; those for 1861 not being yet issued.

With regard to summary convictions, charges against the following large numbers of persons were determined summarily, viz. :—

	In 1858	In 1859	In 1860
There were proceeded against ...	404,034	392,810	384,918
Of whom there were convicted...	260,290	257,810	255,803

—showing in three years an average for each year of persons proceeded against of 393,954, and of those convicted 257,968; the remainder, about one-third, being discharged.

As respects the graver crimes of "indictable offences," there were also investigated before magistrates during the same period charges against these persons, viz. :—

	In 1858	In 1859	In 1860
There were accused.....	30,458	27,119	24,862
Of which there were committed or held to bail to answer the charges before a jury	18,478	16,773	16,079

—the yearly average in the three years of persons before the justices on these heavier crimes being 27,480, of whom 17,110 were sent for trial.

So that we have in these two classes of cases heard before the magistracy the large number of 434,492 persons in 1858; 419,929 in 1859; and 409,780 in 1860; being an average in each year of 421,400 persons.

Number of Petty Sessions Courts.—It seems important to ascertain by what number of magistrates, and before what tribunals and courts, the charges against this enormous number of criminals and persons are annually disposed of summarily. By a calculation I have made from various sources—for there are no authoritative statistics to refer to—there appears to be at the present moment about—

9,660 acting magistrates in England and Wales, consisting of 7,770 for counties, ridings, and divisions,* and 1,890 for cities and boroughs, including police and stipendiary magistrates;

790 courts or places at which petty and special sessions are held for petty sessional divisions of counties,†—some meeting monthly, others on alternate weeks, but most of them every week, independent of the hearing of urgent cases at the magistrates' residences or the office of their clerk;

* By a return presented to the House of Commons in 1851, there were 8,165 persons who had qualified as magistrates.

† *Vide* return to Parliament, No. 235, in 1856.

of the justices as being erroneous in *point of law* only, whether the result is a conviction or the dismissal of the information, or in any matter classed in the civil jurisdiction. By special provisions in many of the Acts—more often in the modern than in the earlier statutes,—creating offences or matters or imposing penalties, a power of appealing to justices in Quarter Sessions upon the facts, as well as upon the law of the case, is given to the defendants only who are, in technical language, "aggrieved" by the adjudication of the justices pronounced against them. This latter privilege, therefore, is not of general right; but when it is conferred, it is founded upon no certain principle or rule, whether as concerns the amount of the fine or term of imprisonment imposed, or the degree or nature of the offence: sometimes it is limited to penalties of a certain amount; sometimes to cases where a fine is imposed and inapplicable to absolute terms of imprisonment under the same Act or section; sometimes it is only allowed on the first or second repetition of the offence; and sometimes where the conviction is made by one justice.

The enactments also which contain the requirements and conditions of appealing, the time of giving notice, entering into the necessary recognizance, &c., as well as the powers and mode of executing the judgment of the Quarter Sessions upon these appeals, are equally dissimilar and various, and enacted without regard to uniformity of practice or convenience. To cite two cases in which a large number of convictions take place annually, namely, aggravated assaults and petty stealings and damage: in the first case, wherein justices may impose an imprisonment of six months, an appeal is *not* allowed to the Quarter Sessions; whilst in the latter case, if the imprisonment is one day exceeding a month, or the fine exceeds £5, an appeal *is* allowed. It should be here observed, that every summary order or conviction of a metropolitan police magistrate, when he imposes a fine or term of imprisonment exceeding a certain amount, (*e. g.* £3, or one month's imprisonment,) is subject to this appeal, which is not so in the case of an adjudication of a city justice, although the procedure in both instances is regulated by Acts of the same Session of Parliament.* Every conviction for offences under the Game Laws, which number about fifty offences, it should also be remarked, may be appealed against. Upon the whole, it may be safely stated that of the 2000 offences, and probably 200 matters of a civil character in addition, which come before magistrates, a rehearing of the case by the Quarter Sessions is allowed only in about two-fifths of them.† It appears to me but justice that a dissatisfied party ought to have the option of appealing in any case to the Quarter Sessions upon the facts, as he may now do to a superior court upon a point of law, and thus make the practice uniform.

* 2 and 3 Vict., c. 71, s. 50: 2 and 3 Vict., c. xciv., s. 101.

† On a close calculation, it appears that an appeal is allowed in 799 out of the 2,092 offences punishable summarily.

Number of Appeals made in three years.—To return to the question of the number of appeals made against the decisions of justices, and the result of them, in the three years we have taken for our purpose, 1858, 1859, 1860:—In 1858, of the 260,290 persons convicted, (in most of which an appeal is allowed upon the facts,) there were 60 appeals to the Quarter Sessions and 68 to the superior courts, making a total of only 128 litigant parties dissatisfied with the justices' decisions; but the statistics do not make the distinction whether the complaining party or the defendant is the appellant in respect of those appeals made to the superior courts, however, from an intimate knowledge of the reported cases, I think about one-half of these appeals were by dissatisfied complainants; a few of them also were in respect to matters forming the civil portion of the jurisdiction of magistrates; and, therefore, the proportion of appeals might fairly be taken as applying to a much larger number of persons than of those we have stated who were actually "convicted" of offences. In 1859, out of the 257,810 persons convicted, 111 appealed: 38 to the Quarter Sessions, and 73 to the superior courts; and in 1860, of 255,803 persons, 137 appealed: 58 to the Quarter Sessions, and 79 to the superior courts. During the same three years, there was an average of 7,083 persons convicted under the "Game Laws," of which only about 20 appealed each year.

The Result of Appeals.—The result of the appeals appears to be equally satisfactory as concerns the efficient administration of this important part of the criminal law; for we find that of the 128 appeals in 1858, the decisions of the justices in 61 were affirmed, and 67 reversed; in 1859, of the 111 appeals, 50 decisions were affirmed, and 61 reversed; and in 1860, of the 137 appeals, 66 decisions were affirmed, and 71 reversed. In the three years, there was, therefore, an average in each year of 125 appeals only out of 257,968 persons convicted, of which the decisions in about one-half were affirmed. In reference to the objection, that the appeal allowed from the Petty Sessions to the same or other justices in Quarter Sessions, is worse than useless, because of the partiality shown by the appellate tribunal to their brethren, whose decisions are appealed against, it may be remarked, that about the same proportion (one-half) of the decisions of the Petty Sessions were reversed or quashed by the Quarter Sessions upon both questions of law and fact, as by the superior courts upon questions of law only; namely, in 1858, the decisions in 30 out of 60 appeals were reversed by the Quarter Sessions, and 37 out of 68 by the superior courts; in 1859, 19 out of 38 were reversed by the Quarter Sessions, and 42 out of 73 by the superior courts; and in 1860, 25 out of 58 were reversed by the Quarter Sessions, and 46 out of 79 by the superior courts,—showing, in the three years, that of 156 appeals to the Quarter Sessions, the decisions in 74 were reversed by that Court; and that in 220 to the superior courts, 125 followed that fate. Of these appeals, about 60 were against the decisions of justices under the "Game Laws," of which rather more than one-half were affirmed.

Defects in Justices' Procedure.—Having shown the great extent of the summary jurisdiction of the magistracy, the large number of people who are yearly affected by their decisions, and the few appeals therefrom, I will proceed to point out the practical defects in the procedure, with suggestions of the fitting remedies. What must be understood by the term "procedure" here used are the enactments relating to the mode and time of preferring the charge or complaint; the process to be issued for convening the offenders or other parties before the justices; the mode of conducting the hearing of cases, and of enforcing the judgment given; and the manner of exercising the right of appeal therefrom.

This procedure then is principally regulated by Sir John Jervis's Act, passed fourteen years since, the 11 and 12 Vict., c. 43, which effected many improvements in the practice, but fell very short of a Consolidation Act, although it professes to be one, (repealing in the lax mode adopted by certain draftsmen all "Acts inconsistent with this Act,") and does not give that facility to the justices, in the exercise of their increased and increasing duties, which was expected. It does not create a uniformity of practice, for it exempts from its operation so many offences and matters, to which some, if not all, of its provisions might advantageously have been applied, and contains in every fourth or fifth section some exception or proviso as to portions of procedure supplied by other enactments, which should have been repealed, that its utility is much impaired; it being in fact and practically of limited operation, and, in many cases, only of a cumulative character, thereby creating confusion and uncertainty in the application of its provisions, as the questions submitted to the superior courts from time to time abundantly testify. It has likewise in many cases of modern legislation been referred to as *the* Act containing the procedure without due consideration of the nature of its provisions, to many of which it was never intended to apply, and as respects others it provides no adequate machinery to carry out; whilst many statutes passed afterwards, to which it would have applied, have, regardless of the procedure provided by it, embodied similar clauses to those in it on procedure, and others have contained new and unnecessary enactments, applicable in some instances, only partially, to the steps taken in the same class or description of cases. As an illustration of recent date:—in four of the important Criminal Law Consolidation Acts of the last session,* there were upwards of 20 clauses as to procedure which are unnecessary, or were already law and enacted in almost similar terms in the 11 and 12 Vict., c. 43, which is also specially, though unnecessarily, referred to in those statutes; and which clauses would have been more appropriate in a Consolidated Procedure Bill, and must be repealed when such a measure is brought before Parliament. In confirmation of this view, it is considered necessary in this present session, by a bill promoted by

* 24 and 25 Vict., cc. 96, 97, 99, and 100.

6. The clearance from the Statute-book of a large accumulation of useless enactments which impede the consolidation of the statutes:
7. The shortening of future legislative measures giving jurisdiction, which would simply refer, if at all, to the Procedure Statute.

Some Details for a new Measure of Procedure.—If the proposed practical measure or code should be entertained by the authorities, (for I think it should emanate from the Government,) I would offer the following suggestions upon the details which, without being too minute, it should embrace:—

1. A repeal of the 11 and 12 Vict., c. 43; 20 and 21 Vict., c. 43; 21 and 22 Vict., c. 73; and procedure clauses in Acts creating jurisdiction, and in the Metropolitan and City Police Acts:
2. Provisions defining jurisdiction and powers of all descriptions of justices:
3. Provisions applying the new measure to the *whole* summary jurisdiction, including revenue cases, and giving a uniform procedure, from the preferring of the information to the final appeal, in which many new enactments and improvements should be introduced:†
4. Prohibiting cases being determined at justice's residence, except two justices be present:
5. Providing a uniform scale of imprisonment in default of payment of penalties, &c.:
6. Providing a summary mode of estreating recognizances, without going to the Quarter Sessions, as allowed in the Metropolitan Police Courts by 2 and 3 Vict., c. 71, s. 45:
7. Providing shorter forms of proceedings:
8. Removing doubts as to the death or removal of justices abating proceedings which are uncompleted:
9. Giving an appeal in all cases upon the facts or law to the Quarter Sessions, with a procedure similar to 24 and 25 Vict., c. 96, s. 110, as well as upon the law only to any

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* The Statute Law Commission, in March, 1857, approved of a similar measure, and Mr. Macnamara was instructed to prepare such a bill; but his instructions were indefinite, and from that and other causes the preparation of it was not proceeded with. The draft of what was accomplished is now in the hands of the writer.

† Amongst others, giving power to summon witnesses wherever resident, and to produce documents; to inflict full amount of penalties, &c., upon each offender, where several: to mitigate penalties and terms of imprisonment; to substitute imprisonment in gaol for the stocks; to permit penalties to be paid by instalments; to allow a deposit of money instead of recognizance; and to impose consecutive terms of imprisonment in those cases which are not provided for by 11 and 12 Vict., c. 43, s. 25; also, that justices' warrants may be executed anywhere in the kingdom without being indorsed, like those of the police magistrates by 2 and 3 Vict., c. 71, s. 17; that proof of service of summonses, orders, &c., at a distance may be made by solemn declaration; and that constables be prohibited from receiving any part of penalties.

Superior Court as now; and in which it is, I believe, possible to reduce the expense of appealing:

10. Provisions empowering the clerks to Magistrates to sign and issue summonses, and to adjourn Petty Sessions when necessary:
11. Providing a uniform mode of convening special Sessions, in lieu of the present circuitous one through the high and petty constables:
12. Providing the course to be taken by justices when questions of right or title arise before them:
13. Assimilating the procedure on the hearing of charges of larceny, &c., under the Juvenile Offenders Act, to that provided by the Criminal Justice Act:
14. Extending such procedure to the punishment of juveniles committing frauds, or receiving stolen goods, or embezzling property of a small, say not exceeding £1, amount:
15. Extending clauses 26 to 30 of the Metropolitan Police Act, 2 and 3 Vict., c. 71, as to unlawful possession of property, and s. 40, as to the detention of goods, to the whole country.

And here, I should direct attention to another important matter, intimately connected with procedure at Petty Sessions, which has already occupied the attention of two Commissions; one in 1836, and the other in 1858. I allude to the necessity for the appointment and tenure of the office of the Clerk of Petty Sessions in counties, (of whom there are nearly 700,) as well as his salary in lieu of fees being regulated by statute, as was done for Ireland in 1858, by the 21 and 22 Vict., c. 100, and as the Commissioners we have referred to recommended should be adopted in England;* and also that one uniform table of the fees to be taken by the clerks should be framed by the Home Secretary, as exists in boroughs since the year 1835. These recommendations might be conveniently carried out in the proposed procedure code, and I think would, with proper provisions prohibiting the clerks or their partners or clerks acting as the advisers of contending parties before the justices, or conducting prosecutions emanating from them, except by their express consent or direction,† obviate or remove many, if not all, the objections raised to the administration of justice at Petty Sessions, where it is alleged, (I believe unjustly,) the clerks advise convictions and

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* *Vide* Report of 1858, page xiv.

† In reference to this point it should be observed, that clerks to magistrates, when solicitors, are now very rarely, if ever, employed for an accused party in these cases; and as they have prepared and advised upon the evidence for the prosecution given before the examining magistrates, they appear to be the most fit persons to conduct the case to its close, as they have hitherto done beneficially in many parts of the country; thus they are practically the "public prosecutors" of the district; and there seems therefore little necessity for the costly machinery suggested—of district agents and advising counsel.

committals for the sake of the fees which then become payable to them from the county or other funds.

I have not deemed it necessary to touch upon the few amendments which are needed in regard to the practice on the preliminary examination before justices upon charges of indictable offences, now regulated by 11 and 12 Vict., c. 42, because, when the promised measure for consolidating criminal procedure is introduced, (which I think should be contemporaneous with that for summary procedure,) this Act will, no doubt, be proposed to be repealed, and an opportunity offered for a revision of its enactments.

As to the necessity for Stipendiary Magistrates.—I fear this Paper, which probably furnishes some useful materials for discussion and future legislation, has already dwelt too long upon details to be instructive, or to admit of my saying a word more incidentally upon one other subject which grows out of it. I allude to that which, I believe, was discussed at one of the early meetings of the Association, namely, the vexed question of the expediency of superseding entirely the *unpaid* magistracy by the *compulsory* appointment of stipendiaries throughout the country. Knowing from my long experience—upwards of twenty-one years, fourteen years of which were passed in the country—that many abuses of the Petty Sessions have of late years been gradually lessened or removed by the course of legislation, (which I have narrowly watched and assisted in improving,) as well as by the justices themselves, and that the cry often raised against them is groundless, or at least the statements are too highly coloured, (especially in regard to cases under the "Game Laws," which always offer to certain writers, who appear to have some sympathy with poachers, an inviting opportunity to comment upon "Justices' justice,") and judging from the few appeals and proceedings against them in relation to their duties, I believe the administration of Petty Sessions law is upon the whole as efficient and satisfactory as we can expect so large a jurisdiction, exercised by so many tribunals, to be. I am, therefore, one among *the many*, who, having given some thought to the matter, do not agree either in the necessity or expediency of so great a change in our legal system as the general appointment of stipendiaries would produce, apart from the consideration of the enormous cost involved in the establishment of the large number of these functionaries, estimated at some 250,* which would then be necessary to dispose of the cases and prisoners as expeditiously as that duty is now accomplished by the magistrates, always at hand or resident within easy distance of each of the 790 places at which Petty Sessions are now more frequently held than they could possibly be by a stipendiary, who must necessarily have many of them within his district at which he must attend. It appears to me, that the administration of the law in the "every-day affairs"

* The salaries alone of these functionaries, say £800 a year each, would be £200,000, as great as the present cost of criminal prosecutions.

ss is large, that the local authorities should be permitted to
the services of such gentlemen, not, however, with the object of
ɜding the magistracy in such places, but rather as auxiliary to
relieve them of some portions of their onerous duties, which
at present unreasonable demands upon their time,* and which
ntly is the scope of the measure introduced by Mr. Sheridan
ow before Parliament, "to facilitate the appointment of
liary magistrates."

ɜther, however, stipendiaries are appointed or not, the com-
ɪsive code of procedure advocated in this Paper will be equally
ɜable to them as to the 9,500 unpaid magistrates, (in which
r I must include the justices of the city in which we are
ɪet,) who I may venture to express a hope will severally
ontinue to administer, as they have hitherto done with credit
mselves and advantage to the country, the vast proportion of
ɪtute Law of England which the Legislature has committed to
special charge.

ɔonclusion, I ought to take this opportunity of mentioning
ɔropriate and significant circumstance that has occurred since
ɪper was written. I am informed that a commission, appointed
Emperor of the French, is at the present moment sitting in
having for its object the preparation of a measure for a police
agisterial procedure in summary convictions similar to our
o be introduced into that empire. My information is derived
ɪ member of the commission and of the French Bar, who within
ɪt ten days has done me the honour to consult me upon our
ce and form of procedure; and I am now in communication
that gentleman upon the subject. I mention this circum-
ɪ because it seems to me to be an additional reason for no longer
ng to amend our summary procedure in England. And I
ɪe should be sorry to see our tardiness in this respect taken
tage of by any of our continental neighbours, or that any

LAWS RELATING TO PROPERTY.

The Laws controlling or regulating the Perpetual Dedication of Property for Public or Charitable Purposes. By THOMAS HARE.

I PROPOSE to take up this subject at the point at which the most recent inquiries have left it.

The House of Commons in 1844 and 1851 appointed select committees on this class of laws. The committee made reports in July 1844, and June 1852. The Law Amendment Society in 1860 referred it to a committee, which reported to the Society in June 1861. That report submitted propositions which would make the law of England intelligible in principle and consistent with itself. The scheme in substance proposed to abolish the distinction between real and personal estate in such perpetual dedications of property, enabling every person to give land as freely as he can give money; but requiring that all lands so given or devised, except such sites or plots as might be necessary for the institution that is founded —as, for example, the land on which the church, or school, or hospital stands,—should be sold and converted into money, within three or, at the farthest, seven years, and that all charitable foundations should at the end of thirty years be subject to revision by a committee of the Privy Council, when such a new direction might be given to them as should then be deemed most for the public benefit. The discussion which arose upon this report was very instructive in showing the great diversity of opinion, even amongst reflecting men, of the ends to be attained by legislation on this subject. The first proposal, that of abolishing the restriction on gifts of land, was rejected by nearly half of those who took part in the discussion, because it would facilitate and encourage charitable foundations; and the second was rejected by about an equal number, because they thought it would have the contrary effect and discourage them. Neither of the Commons' reports has come under discussion in the House, or we should doubtless have seen still more remarkable examples of this diversity of view.

We are thus brought immediately in face of that necessity which Mr. Mill, in his chapters on the Logic of the Moral Sciences, points out as existing for "a set of intermediate scientific truths, derived from the higher generalities of science, and destined to serve as the generalia or first principles of art,"—"for those general premises determining what are the proper objects of approbation, and their proper order of precedence."* "Every art," says Mr. Mill, "is a joint result of the laws of nature disclosed by science, and of the general principles of what has been called

* Mill, "System of Logic," Book VI., chap. xii., vol. ii., pp. 545, 546, 5th ed. Parker, Son, and Bourn. 1862.

Teleology, or the Doctrine of Ends." "The general premises, together with the principal conclusions which may be deduced from them, form (or rather might form) a body of doctrine, which is properly the Art of Life, in its three departments, Morality, Prudence or Policy, and Æsthetics; the Right, the Expedient, and the Noble or Beautiful, in human conduct and works. To this art (which in the main is, unfortunately, still to be created) all other parts are subordinate; since its principles are those which must determine whether the special aim of any particular act is worthy and desirable, and what is its place in the scale of desirable things."*

In endeavouring, therefore, to afford a reasonable scope, and assign a reasonable limit to the legal right of the individual to appropriate property, or its fruits, to fixed and permanent uses, beyond the reach of contemporary power, let us attempt, in the first place, to settle in our minds a definite idea of the End we think it desirable to attain by such appropriations, or the Teleology applicable to the question.

We are not now dealing with the right of any man to dispose of his property to whom or how he pleases, but with the extent to which he should be allowed to create posthumous laws to govern the possession or distribution of the surface and fruits of the earth, after his own decease, for indefinite ages or all time,—which is purely a question of civil jurisprudence founded on expediency. It must depend on the nature of the force which mankind in one generation should exercise on the generations that come after it. The influence or force which any former age exercises upon our own is in a great degree measured by the virtues of that age, affected, of course, by our own original and inherited capacity of profiting by its teaching and its example. The higher, therefore, we are able to raise our own standard of action in the Art of Life, the Right, the Expedient, and the Beautiful or Noble, the more likely we are to exercise an influence for good on those who succeed us.

We know of no standard for human works and conduct more exalted than the Christian type and precept. But the charities they point out for our guidance are the charities of the living to the living. Regard is not shown to the magnitude of the offering or the grandeur of the result, but to the personal motive and the personal sacrifice. Such charities have nothing in common with the vicarious distribution by the executor, or the trustee, of the alms of deceased persons. The Christian teaching is not to be liberal of that we can no longer hold, or, as Bacon puts it, the giving that which is no longer our own, but has become the property of some one else. Prescribing constant watchfulness, it enjoins on its disciples that, not sparing themselves, casting aside sloth, whether of body or mind, they should so live and act that their youth may grow up in the spirit of charity, with its principles written on the living tables of their hearts. It affords no shadow of countenance to vain

* Mill, "System of Logic," Book VI., chap. xii., vol. ii., p. 546.

attempts at dictating moral obligations by rules and statutes, the work of lawyers, converting men into machines, crippling their volition, and destroying their own moral responsibility.

The moral influences of each generation on posterity are not, however, merely personal: they are largely affected by material causes. As the life of a nation is matured, each age, not wholly barren of energy and worth, leaves behind it monuments that invite the sympathies of succeeding generations, and are designed to preserve and transmit to them the memory of those things which are deemed to be in the highest degree deserving of their regard and veneration. Feelings like these have raised throughout our land cathedrals, churches, colleges, schools, civil edifices, (like those in which we have assembled in this metropolis,) and have set apart a certain portion of the property of the nation for the maintenance of classes of men whose function it is to keep alive and advance the piety and learning committed to their offices and care. Nor is the body to be disregarded. Science has opened, and continues to open, new fields of charity. The humane sympathies of early times were satisfied by affording space for the sick around the temples of Æsculapius, or in appropriating sheds or houses for lepers; but the progress of physiological knowledge has shown the far superior efficacy of commodious hospitals, supplied with a permanent staff of instructed men and of instructed women also, addressing themselves to the cure and relief of every form of human suffering. All such objects, and others that cannot be effected by individual, detached, or unconnected efforts, and which require a degree of organization and permanence greater than can be insured by the fugitive powers of a single generation, are clearly proper objects of charitable and perpetual trusts.

It will be observed that, in all the cases which have been referred to, the endowments are attached to a function. The functionary or recipient—whether he be priest, professor, physician, teacher, scholar, or patient—does not receive the aid or the maintenance given to him as an end, but only as a means of accomplishing a greater good for himself or others. The bounty is directed to the subordinate purpose of enabling the receiver, by the instruction which he obtains, or the strength which is given or restored to him, to employ himself more effectually for his own and the general benefit. It has a higher purpose than the satisfaction of ordinary bodily wants. May we not, therefore, adopt this distinction as a test of the propriety of all perpetual dedications of property known as charitable trusts? Let every generation be assisted by law, and invited by sentiment to transmit to posterity such institutions as shall be thought most fitted to elevate the character, enrich the intellect, and increase the powers of man; but let no generation attempt to impose upon its successors the perpetual obligation of dealing in a prescribed manner with those fruits of the earth which the labour of those successors must produce, unless it be with the larger view of promoting such higher purposes. Tried by this test

all the so-called charities with which England is covered, for giving away food, clothing, fuel or money, from sources other than those of private and spontaneous benevolence, may be regarded as not less vicious in principle than they are in practice. They are the attempts of deceased persons to interpose and chill the sympathies of the living by converting what should be their free and graceful bounty into a tax to be grudged and wrangled about. They are the covetous—perhaps unconsciously covetous—efforts of those who have gone before to forestall the duties, and the blessings, which are the just share of those who come after them. Instead of the love and gratitude which is the natural consequence of spontaneous and self-denying bounty, these gifts are known to proceed from no liberality of the dispenser; every would-be recipient claims a right which he measures according to his own estimation, and the ordinary consequence is jealousy, envy, and discontent.

There is a further and distinct form of mischief in all institutions under which the common necessaries of life are dispensed in a periodical and stated method, occurring regularly and permanently, and not merely in times of emergency, to classes of persons on any other condition than that which is the lot of mortality—as the result of useful labour. Gibbon has described the state at which the poorer citizens of Rome had arrived in the beginning of the fourth century, when gratuitous or nearly gratuitous distributions of food, and luxurious indulgences, purchased or procured the tranquillity of the capital:—

"For the convenience of the lazy plebeians, the monthly distribution of corn was converted into a daily allowance of bread: a great number of ovens were constructed, and maintained at the public expense; and at the appointed hour, each citizen, who was furnished with a ticket, ascended the flight of steps, which had been assigned to his peculiar quarter or division, and received either as a gift, or at a very low price, a loaf of bread, of the weight of three pounds, for the use of his family." After mentioning the vast quantity of bacon annually bestowed on the same classes, he tells us that the baths of Antoninus, Caracalla, and of Diocletian, were open at stated hours for the indiscriminate service of the senators and people. "The walls of the lofty apartments were covered with curious mosaics, that imitated the art of the pencil in the elegance of design, and the variety of colours. The Egyptian granite was beautifully encrusted with the precious green marble of Numidia; the perpetual stream of hot water was poured into the capacious basin through so many wide mouths of bright and massy silver; and the meanest Roman could purchase with a small copper coin the daily enjoyment of a scene of pomp and luxury which might excite the envy of the kings of Asia. From these stately palaces issued a swarm of dirty and ragged plebeians, without shoes and without a mantle; who loitered away whole days in the streets or Forum, to hear news and to hold disputes; who dissipated in extravagant gaming the miserable pittance of their wives and children, and spent the hours of the

night in obscure taverns and brothels, in the indulgence of gross vulgar sensuality."* The degree to which the social and political condition of the same city is affected in the nineteenth century by not dissimilar causes, would be a subject not undeserving the inquiry of statesmen, and on which valuable information is afforded in the evidence given before the Mortmain Committee in 1851.†

It is dangerous, by resting in the complacent belief that we are not as other nations, to neglect any tendency in our institutions to lower the type of individual character. Our legislation should rather be directed, above all things, to promote its elevation. I quote again from the Logic of Moral Sciences :—"The ideal nobleness of character, or a near approach to it, in any abundance, would go further than all things else toward making human life happy, both in the comparatively humble sense of pleasure and freedom from pain, and in the higher meaning of rendering life not what it now is, almost universally, puerile and insignificant, but such as human beings with highly developed faculties can care to have."‡

The faculties of man are strengthened by their exercise, and our institutions should be so framed as to multiply the occasions for their exercise. In giving to every successive age the broadest power of disposition, and the most unrestricted right of modification, the one power is controlled and rendered wholesome by the other; and the law aids, as far as it can, the freedom and development of individual character. It endeavours to place every man under circumstances the best fitted to awake and excite his sense of personal duty and personal responsibility, leaving him none of the excuse for apathy, or indifference to results, which is generated by the feeling that he is a mere agent or machine for performing the will of another. He obeys the law of his conscience, and not of the magistrate—a law of love and not of fear.

The amendments proposed by the committee of the Law Amendment Society were, moreover, in accordance with that ancient genius and spirit which is remarkably manifest in our laws as to perpetuities. These laws exhibit in a striking manner the control of the principles of permanence and progression ; the framers of the Statute *De Donis* attempting to transmit for ever to their houses the dominion of the land ; the judges,—supported, as they must have been, by the necessities, the common sense, and the will of the people,—successfully, after a long struggle, baffling the restriction and breaking the fetter ; devices of one class of men to bring property into mortmain, and of another class, or the same class at other times, to liberate it ; the self-confidence which pervaded the national life,—the meddling spirit that seeks by laws, *à priori*, to tie up the actions and powers of men, lest they should misuse them, being a later invention. It was felt that there was strength enough

* Gibbon, "Decline and Fall," chap. xxxi.
† See the evidence of the Rev. Francis Silvester Mahony.
‡ Mill, "System of Logic," vol. ii., p. 549, 5th ed.

to set right any abuse of power. As society extended, the occasions for the joint contributions of the people also increased, and our elder law-makers never thought it a wise thing to reject the gifts of the wealthy, lest some unnatural parent should be forgetful of the claims of his household, or be mistaken in the wisdom of his disposition. Foundations were created, and property appropriated for every purpose deemed to be beneficial to society; for it was known that when it ceased to be beneficial the property was available for other things. The Statute of Elizabeth affirmed and encouraged this disposition. Are the necessities of the state or of charity smaller now? and if not, why should not the nation accept the voluntary gifts of its wealthy members for either purpose? I will not here speak of the state,—but of the poor. In the progress of modern civilization, the inequalities of condition press more and more heavily on the poor. Look at one feature: the difference between the spacious mansions of the rich and the miserable room of a few feet square, in which the labourer, his wife and children, are huddled together. This is surely a time to reject nothing, and a time, moreover, in which all gifts for the poor should be dealt with for their highest good, according to the best judgment and discretion of the age in which we live rather than of times which have passed away.

A revision of charitable objects, from time to time, according to the opinions and wants of society, is not a novel principle. The suppression of the Templars, and subsequently of the ancient priories with which Winchester College was endowed in the fourteenth century; the suppression of other religious houses in the fifteenth century for the foundation of Eton College, and All-Souls and Magdalen Colleges in Oxford, and Jesus College in Cambridge; and in the beginning of the sixteenth century, the establishment, by similar means, of St. John's and Christ's College, Cambridge, and Brazenose College, Oxford; not to speak of the houses suppressed some years later by Wolsey,—are all examples, much earlier than the schism of the Western Church, of such variations of object, when they appeared desirable. The principle of periodical revision, as the stable and known law of all charitable trusts, would reconcile public and private rights; and as it would exclude the unfounded notion of inviolability, it would exclude also the fancied reproach of spoliation.

It was the Statute 9 Geo. II., c. 36, which invaded the simplicity of the ancient law, and severed, as it were, the filial connexion between the nation and its sons, by forbidding any one, even though he be childless, to devise his estate for public good; whilst it did nothing to provide for a wholesome administration of charities. I confess, notwithstanding the judicial encomium it has received, I have no respect for this celebrated statute. It was the production of an age in which the religion and morality of the governing classes had sunk to a lower point than, save once, they had ever reached; and it was almost before the dawn of that economic science which has disclosed the several functions and operation of the selfish and sympathetic

principles in the order of Divine Providence. It was at a time when the political world had neither the deep sense of personal and national duty which animated the age of Hooker, nor the calm and philosophical appreciation of results taught by Adam Smith. The statute belies its own professions. It is desirable that land should not be held by charities and thus taken out of commerce; but the statute does not prevent it: land is bought and devoted to charities every day. Courts order investments to be made in land. Private Acts authorize it, and the quantity of land substantially in mortmain is constantly increasing. The statute shuts only one, and that the smallest, door. If it be desirable to discourage gifts to charities, the statute again shuts only one, and that the smallest door. Such gifts are constantly given, and have been upheld until they have demoralized whole parishes and districts. If it be desirable to prevent the aged or the dying from bequeathing their property to charities, instead of providing for those who have natural claims upon them, let the obligation be defined, and applied to all property alike. If it be necessary to guard a testator from being made the instrument of designing persons, or the victim of his own weakness, it is equally desirable to do so, whether his property consist of a field or a mortgage, or money in the bank. The statute affects to protect one case in a hundred, and abandons the other ninety-nine. If precautions or restrictions be required as to the length of time which should elapse between the will and the testator's death,—as to the forms to be observed,—as to the amount or proportion of his estate he may give,—as to the persons who may be legatees, or as to the purposes which are to be favoured,—let certain rules on all or any of these points be prescribed; but the law of England, as it at present stands, is inconsistent and incongruous, and a reproach to the jurisprudence of an enlightened nation.

LAWS RELATING TO PERSONS.

The Marriage Laws of England and Ireland. By MONTAGUE H. COOKSON, D.C.L., *Barrister.*

THE contract of marriage, which, except in the interchange of mutual consent, differs widely from every other, is at the present day governed by separate rules, and attended by dissimilar results in England, Ireland and Scotland. What is the history of this divergence, and whence has it arisen? If on the one hand uniformity is desirable, why is its absence so conspicuously marked; and if, on the other, anything is gained by a conflict of marriage laws, to what peculiarity in the institution of marriage is the supposed advantage to be ascribed? Questions like these must be satisfactorily answered

before we can acquiesce in the existing tate of things. The safeguards with which the State has fenced round the marriage contract must be equally salutary north and south of the Tweed, and east and west of the Irish Channel. The temper and dispositions of the people of the United Kingdom are not so various as the marriage laws which have been inflicted on them by fragmentary legislation.

I propose in this paper to confine myself to the marriage laws of England and Ireland. The Scotch consensual marriage, without minister or celebrant, and even, in its original form, without the presence of witnesses, has ceased to have any validity in England for more than a century; but its retention in Scotland still finds strenuous advocacy on the grounds of religion, philosophy and justice. Again, the Scotch have nothing corresponding to registrar marriages; but this mode of contracting is now familiar to the other two portions of the United Kingdom. Lastly, in Scotland there is the legitimation *per subsequens matrimonium*, which the English and the Irish law equally refuse to recognise. Discrepancies so great, so fundamental as these, forbid us to hope that an assimilation of the English and Scotch laws of marriage, however desirable, will prove an easy task. On the other hand, there is nothing in the marriage law of Ireland which distinguishes it as a whole and in principle from that of England. The same *modes of contracting marriage* exist in both countries, neither more nor less; the civil consequences which attach to the contract are nearly identical. The differences of the law are entirely dependent on differences of religious opinion. If a scheme of comprehension in matters of faith and ecclesiastical discipline were conceivable as finding acceptance in Ireland to-morrow, there would be no difficulty in framing a marriage law which would command the entire assent of the Irish people.

But it would be premature to insist on the propriety of assimilation till we have settled what the conditions are which every good marriage law ought to satisfy. Inquiries of this nature may be prosecuted in two different ways; either by considerations *à priori*, or by noting the tendency of gradual legislation on the subject. Either course pursued apart from the other is, however, likely to mislead. The former assumes that our present knowledge and belief are independent of the previous history of the problem, and the latter that the onward march of our legislation has always been in a right direction. We shall proceed on a safer basis if we combine the two methods, and, while tracing the historical progress of the marriage law, test the various new elements which have been introduced into it from time to time, by a frequent recurrence to first principles. We proceed, therefore, in the first place, to examine what the marriage law of England has been, and to point out the gradual modifications which it has undergone.

I. In considering the early history of the English Marriage Law we must distinguish carefully between the conditions which were necessary in order to make the contract binding on the parties themselves,

and those which were required in order that the civil consequences of marriage might follow. The test to be applied in the one case is—Would either party be indictable for bigamy on his or her marrying again during the lifetime of the other? The tests to be applied in the other case are—Is the woman entitled to dower on the death of the man? Are the issue legitimate and capable of inheriting as such? and so forth. At the present day a marriage which is good for one purpose is equally good for the other; but up to the year 1753 the two kinds of tests were not necessarily satisfied together. We have thus two problems presented to us, but of very unequal difficulty; for while it appears to be undisputed that the presence of a priest was indispensable in order to secure the *civil incidents* of the contract, it is impossible to determine with anything like certainty what were the essentials of the contract itself. It is tolerably clear that the canon law, at least from the 11th century downwards, required nothing more than the exchange of words of present mutual acceptance in order to constitute a valid marriage. The parties themselves, as Sanchez puts it, were the ministers of the sacrament to each other, and the benediction of a priest was not necessary. But was the law of England in this respect identical with the canon law of Europe; or, in other words, was this portion of the canon law of Europe accepted here in the king's ecclesiastical courts? This question cannot be answered in this place. Those who seek its solution must refer to the well-known case of *Regina* v. *Millis*,* where the House of Lords was equally divided on the point, whether an indictment for bigamy would lie where the celebrator of the prior marriage was not in episcopal orders.

The promulgation, in 1563, of the Decree of the Council of Trent, *De Reformatione Matrimonii*, whereby it was declared that all marriages should be void unless celebrated in the presence of the minister of the parish in which one or both of the parties resided, or of another clergyman duly authorized, and two other witnesses, had no effect on the English law, and clandestine marriages by persons in orders still continued to be contracted in England, the only check upon them lying in the penalties which were imposed on the celebrant priest by several statutes passed after the Revolution;† yet, notwithstanding these prohibitions, the clandestine modes of contracting marriage continued to be so popular, that in the middle of the last century no less than 6,000 such marriages were entered into, in the course of a single year, within the walls of the Fleet Prison, while only 53 were celebrated in the neighbouring parish church of St. Andrew's, Holborn. It never seems to have been pretended, however, that these clandestine or consensual marriages without the intervention of a priest were attended by the civil consequences of matrimony, and it is doubtful whether these consequences could be fully secured by anything short of a marriage *in facie ecclesiæ*.

* 10 Clark and Finnelly's Reports, 534.
† 6 & 7 Will. III. c. 6; 7 & 8 Will. III. c. 35, sec. 53; 10 Anne c. 19.

their interference might have acted as a check on the impetuosity of the parties. But the mischief did not stop here. The marriage was solemnized, the fact of its celebration remained secret still. No record, at least no accessible record, was provided, whereby the legitimacy of the issue and the rights of the parties themselves might be ascertained. The marriage certificate would no doubt be generally made out, and the woman would probably preserve it as an act of self-defence, but if she lost or were persuaded to part with it, it might be repudiated at any moment by her lawful husband, who could contrive to silence the testimony of the officiating clergyman. After the death of the priest, her own title to the name of wife, and that of her issue to legitimacy were placed at the risk of an imperfect register,* or the uncertain and often unprocurable testimony of friends and neighbours.

This system of clandestine marriages, which it was the object of Lord Hardwicke's Act to extinguish, found as warm advocates in the middle of the last century as the Scotch consensual marriages do at the present day. Any attempt to throw obstacles in the way of matrimonial unions was stigmatised as inimical alike "to virtue and to population." At a time when the precept to increase and multiply was taken as the text of all political economists, this argument was, no doubt, not without weight. The notice-boards which we are told swung in front of the London shops, with the words "Marriages to be done here" inscribed upon them, were certainly valuable reminders to the citizens of the metropolis of the duties which they owed to the State, though rendered too often at the ultimate cost of the parish. Against the alleged gain to virtue may well be set off the encouragement afforded by secret marriages to thoughtlessness, deceit, and perjury. But the principal argument in their favour was based rather on political than on ethical grounds. It was urged that they served to fuse together the various ranks of society, and to promote the equal diffusion of wealth—to defeat the aristocratic pride which withheld the heir to a peerage from an honourable union with a deserving commoner, and to thwart the selfish paternal avarice which refused to see in a daughter's affections anything but the means to compass some mercenary end.

The Act of the 26 Geo. II., c. 33, which was carried in spite of such formidable opposition, and the repeal of which was agitated and debated in 1781 with such tremendous energy by Mr. Fox, has not however materially hindered the growth of the population, retarded the prosperity of the country, damaged the cause of virtue, or strengthened the hands of the aristocracy. On the contrary, the changes it introduced into the marriage law of England were as beneficial as they were extensive. It took away from the ecclesiastical courts the power of enforcing contracts of marriage, and required all marriages to be solemnized in the church in the presence of

* There were books of the marriages in the Fleet, but the courts of law would not admit them to proof of marriage. 22 Parl. Hist. 384.

two witnesses, besides the minister. It secured the deliberation of the parties by interposing a period of three "holidays" between the first notice to the minister and the celebration of the marriage. To these desirable ingredients it added two more borrowed from the provisions of the canon law, viz.:—

1. *Publicity*, by requiring three publications of banns "in an audible manner in the parish church."

2. *An accessible record*, by registration in a book "to be deemed parish property, and to be carefully kept and preserved for the public use."

Persons who desired to avoid the publishing of banns, were allowed as before to obtain a licence from the archbishop or ordinary, and all marriages solemnized otherwise than after banns or licence were declared to be null and void. But while doing away with nearly all the uncertainty which had previously attached to the marriage contract, the Act introduced a new element of doubt by making void all marriages solemnized by licence without the consent of the parents or guardians, where either of the parties was under age.* This nullifying provision was repealed in 1823, by the 4th Geo. IV., c. 76, which also rendered void marriages by a pseudo-priest, in those cases only where "one of the intermarrying parties was knowingly and wilfully an accomplice in the fraud." But a great desideratum in the law of marriage still remained to be supplied. Except during the short period of the administration of Cromwell, no provisions whatever had been made for securing the civil consequences of marriage without invoking the aid of a minister of the Established Church. The dissenter who had never been brought to the baptismal font could not escape conforming to the orthodox ritual, if he coveted the status of a married churchman. He came to the church to be married, or he sought the assistance of a priest, not because he hoped to add to the dignity of the act by violating the dictates of his conscience, but because the State refused to recognise the legitimacy of his children on any other terms. The Toleration Act of the first year of the Revolution had given him no relief in this respect. The privilege of entering on the estate of matrimony, otherwise than through the door of the Church of England, was accorded to the nonconforming section of the community in 1836, by the 6 & 7 Will. IV., c. 85, which left the parties at liberty either to contract in the registrar's office, in the presence of the registrar, after a public notice of not less than three weeks, or to be married according to the rites of their particular sect, after a similar notice to the registrar, "in a properly registered building." In both cases ample provision is made for securing publicity of the marriage at the time of celebration, and also an accessible record of the fact for future reference.

So far, therefore, as the great bulk of the people is concerned, little

* It was this subsequently repealed part of the Marriage Act which was spoken of by Blackstone as an "innovation on our laws and constitution;" Commen. vol. i., p. 438. It is a mistake to suppose that the observation applied to the general principle of the Act. See *Trans.* 1861, p. 219.—Ed.

or nothing appears to be desired in the way of amendment of the Eng[illegible] marriage law. It may be doubted, indeed, whether the system [illegible] licenses does not draw an unnecessary line of demarcation betwe[illegible] the richer and the poorer classes. If the delay which is involved [illegible] the publication of banns on three successive Sundays, or the no[illegible] at the registrar's office during the space of three weeks, is, as it [illegible] acknowledged to be, a wholesome precaution, why should this pr[illegible] caution be liable to be got rid of by a merely pecuniary payme[illegible] Again, we are told that it is desirable that marriage should be publ[illegible] and that every opportunity should be afforded for the interference [illegible] those who may be able to point out any legal impediment; but w[illegible] is this wise policy, which we have heard proclaimed so often fr[illegible] the reading-desk, thwarted and set at nought by the habitual pr[illegible] tice of those who acquiesce in its dictates? It cannot be replied th[illegible] the rich are less in want of protection than the poor, or that equ[illegible] protection is secured in the case where the oath of the intend[illegible] husband is relied on as conclusive, and where a notice of the intend[illegible] marriage is to be seen at the registrar's office, or is published to th[illegible] congregation in church or chapel.

We have said that, as far as the general body of the people is con[illegible] cerned, no particular cause of complaint seems to exist. But th[illegible] Marriage Acts of 1753 and 1823 are not applicable to the ent[illegible] community. Two important classes—the Jews and the Quakers—are expressly excluded from their operation, and, indeed, it is no[illegible] absolutely certain whether previously to the 6 & 7 Will. IV., c. 85, marriages celebrated according to Jewish or Quaker usage had any legal validity. Thus the statute 6 & 7 Will. III., c. 6, sec. 63, enacts that all Quakers and Jews, and any other persons who should cohabit and live together as man and wife, should pay the duty imposed on marriage; and that upon every such "*pretended*" marriage made by them, they should give five days' notice: and Lord Holt, in a case before him, plainly intimated that Quaker marriages were not good. On the other hand, it is a significant fact, that there is no case on record in which a Jewish or Quaker marriage has been declared to be void, and the fact of their being excepted from Lord Hardwicke's Act would seem rather to imply a recognition of them by the legislature. The question is, however, set at rest for the future by the express words of the Marriage Act of 1836, which renders such marriages valid if contracted *according to usage*, provided that both parties be Jews or both parties Quakers, and that notice to the registrar shall have been given, and the registrar's certificate duly obtained.

The only doubt, therefore, that can possibly exist in reference to these marriages, will arise from the necessity of complying with *established usage*. If the proper forms and rites be not observed the same difficulty may again present itself which Sir W. Scott had to deal with in the case of *Lindo* v. *Belisario*,* where it was held

* 1 Hagg. Cons. Rep.

after elaborate reference to the Jewish authorities and rabbis, that the ceremony performed did not amount to an actual marriage. The simplicity of the Quaker ceremony would probably obviate any such ambiguity in their case; but it is obvious that to make any marriage depend on the nice observance of a religious form, is not only contrary to all principle, but injurious and even unjust in practice. Form there must be in every contract, and, perhaps, more form in the contract of marriage than in any other; but it should be the aim of all wise legislation to reduce this form to a minimum, consistently with securing the safety both of the contracting parties and of the community at large. Any neglect in the observance of the safeguards thus imposed, is really equivalent to an omission in point of substance. But where the parties are acting *bonâ fide*, and intend to enter into the marriage contract, the civil effect should not be denied to their acts because an obscure traditional ceremony has not been complied with.

We have said that by the second section of the Act of 1836, the marriages of Quakers and Jews were declared legal. By the 6 & 7 Will. IV., c. 86, s. 31, provision was also made for their registration; but the registering officer, whether present or not at the marriage, is required to satisfy himself that the marriage proceedings have been in conformity with the respective usages of the two communities. Why should special knowledge be expected of the registrar on the subject of the Quaker and the Jewish ritual; or how can he, even if present, know anything of the practice of a society to which he does not belong? If, on the other hand, he is unable to "satisfy himself" on the point of conformity, why is the marriage to go unregistered, and the issue to lose the benefit of a lasting record of their legitimacy? The source of the mischief lies in the circumstance, that the State recognises one person as alone competent to *celebrate* the marriage, and another as alone competent to *register* it. The purely civil functionary, whose duty is to record the fact, ought not to be required to judge of the completeness of a ceremonial which, *ex hypothesi*, transcends the sphere of ordinary contract. Where the marriage is celebrated according to the rites of the Established Church, the officiating minister is also the person who registers the marriage. In the case of the great body of nonconformists, the registering officer is himself the celebrant. These two functions can never be dissociated without producing the mischievous consequence of a conflict of jurisdictions. In the single instance of Jews and Quakers this severance is permitted to take place, and though the practical inconveniences which result are not flagrant, there is no reason why the anomaly should not be banished from the English marriage law. In the case of the established clergy, the minister is, for the purposes of registration, an officer of the state, and no other civil functionary need intervene; in all other cases, the civil and the religious forms should be kept perfectly distinct, the State first securing the contract, and fencing it round with all necessary precautions, and then withdrawing to allow the married parties to

superadd any such religious ceremony as approves itself to their consciences.

Apart, then, from the two exceptional cases which we have just noticed, the claims of the marriage law of England to become the standard marriage law of the United Kingdom, appear to rest on the following considerations:—

1. The marriage law of England recognises only one kind of marriage, which cannot be annulled at the mere will of the parties, and is attended by ulterior civil consequences.

2. It secures time for reflection before entering into the marriage state, by interposing a period of three weeks between the revocable agreement to marry and the final indissoluble contract.

3. It requires the marriage to be public, both for the sake of greater solemnity, and in order that, if any impediment exist, it may be disclosed.

4. Where the marriage is contracted *bonâ fide*, it allows no latent impediment, which is not founded on nature and common reason, to invalidate the contract.

5. So long as one of the prescribed modes of celebration is followed, it holds the marriage to be binding without reference to the religious faith of the contracting parties.

II. If our consideration of the stages through which the English marriage law has passed has enabled us to elicit the true criteria of every good marriage law, the application of these results to the law of Ireland need not detain us long.

Let it never be forgotten that from the year 1172 (the date of the assimilating ordinance of the Council of Cashel) down to the accession of William III., the marriage law of Ireland was identical with that of England; and that whereas the mischiefs which formerly beset the marriage law of England were owing to the non-interference and neglect of the Legislature, those that now beset the marriage law of Ireland are due to express statutory enactments. Ireland does not, like Scotland, claim validity for any mode of contracting marriages which is not equally recognised here. She does not, for instance, sanction the mere consensual contract simply because it is binding *in foro conscientiæ*. Previous contracts *de præsenti*, not followed by consummation, were declared insufficient to set aside a regular marriage so early as the year 1725,* and both contracts *de præsenti*, and those *de futuro copula subsequente*, ceased to form a basis for compelling ecclesiastical celebration in the year 1818,† sixty-five years after the passing of Lord Hardwicke's Act. Marriages of minors are no longer invalid for want of consent of parents or guardians; the Act of 9 Geo. II., c. 11 (Irish), which made the consent essential in certain cases and under certain restrictions, having been repealed in the year 1844, by the 7 & 8 Vic., c. 80, sec. 50, commonly known as the Irish Marriage Act. Pro-

* 12 Geo. II., cap. 3 (Irish).
† 58 Geo. III., cap. 81, sec. 3.

testants of the Established Church, Jews, and Quakers, are married as in England, and the office of the registrar may, as here, be resorted to wherever it is desired to dispense with religious solemnities.

In what, then, does the variance between the laws of the two countries consist? In one word, in the series of disabling statutes which have been passed since the accession of the House of Orange, to the cruel oppression of the Roman Catholics, that is to say, of five-sixths of the Irish people. The melancholy list commences with the 9 Will. III., which not only prohibited the intermarriage of Catholic and Protestant, but rendered the celebrating priest liable to perpetual banishment. The 12 Geo. I., c. 3 (Irish), went further still, and raised the offence of celebrating such mixed marriages to the rank of a capital felony. But however terrible the penalties imposed on the celebrant, the marriage of the parties themselves had been hitherto left intact, and their issue was not bastardised. The 19 Geo. II., c. 13 (confirmed by the 32 Geo. III., c. 21), filled up the cup of intolerance, by declaring void all marriages celebrated by popish priests where one or both of the parties professed the Protestant faith. This Act still remains in force, though many of the penalties enforced on the Roman Catholic clergy have since been swept away, and the Act of 1844 renders all celebrants of marriages not legalised thereby liable to an indictment for felony.*

In a spirit similar to that of the Act of Geo II., the Acts† which render valid marriages solemnized by dissenting ministers, do so only in the case where *both parties are Dissenters.* Thus the legal value of the contract is made to depend on a question of religious belief, a connexion which a late celebrated trial, the final issue of which is still pending, has shown to be attended with the most dangerous consequences.

Next, how does the Irish marriage law stand in regard to publicity and registration? The Act of 1844 provided for the registration of all marriages celebrated by clergymen of the Established Church of England and Ireland, or by Presbyterian ministers, or according to the rites of the Jews and Quakers. But it made no provision for the registration of Roman Catholic marriages, as if in their case no protection was needed. Yet, it has been ruled that the certificate of a Roman Catholic priest is admissible as legal evidence of the fact‡ of marriage. Then, again, the ordinary precautions observed in England for ensuring publicity are neglected in Ireland where the parties are Roman Catholics, as these marriages may be solemnized at any hour of the day or night, and the publication of banns is not essential.

Thirdly, the marriage law of Ireland bears traces of unequal concession. The privilege of issuing licences and publishing banns was granted to the Presbyterians in 1844, but it is denied to all other

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* *Reg.* v. *Taggart*, 9 Ir. Rep.

† 11 Geo. II., 21 Geo. III.

‡ *Malone* v. *O'Connor*. (Lord Chanc. Napier, 626.)

nonconforming bodies. These last must apply tot he registrar for a licence or certificate, and be married, as in England, either in his office or in a certified building within the district. These privileges should either be extended to all congregationalists, whose organization furnishes them with the necessary machinery, or else (and this appears to be the preferable alternative) the licensing system should be abolished altogether.

It is unnecessary to pursue the evils inherent in the present Irish marriage law into minuter detail, as the whole question has been the subject of recent public comment—they may be briefly summed up as follows—

1. *Uncertainty* in the marriages of Roman Catholics and Protestant Dissenters, due to the difficulty of ascertaining the religious belief of the parties.

2. *Want of publicity*, by reason of the loose mode in which purely Roman Catholic marriages are permitted to be celebrated.

3. *Want of security*, owing to the imperfect provisions for registration.

These inconveniences, so numerous and so extensive, have only recently attracted the notice of the Legislature, but, within the last few years, various attempts have been made in Parliament with a view to their removal. The guarantee of registration was endeavoured to be secured by the successive Government bills of Lord Naas and Mr. Whiteside in 1859, and of Mr. Cardwell in 1860. These measures sought to establish in Ireland a registration system for births and deaths, as well as marriages, and it was in consequence of the mutilation which Mr. Cardwell's bill received at the hands of the select committee to which it was referred, that nothing has as yet been done towards effecting the desired objects. The bill introduced into the House of Lords by the late Lord Campbell, was mainly levelled at the mischief arising from the invalidity of mixed marriages celebrated by Roman Catholic priests; and it proposed, in substance, to repeal the 9 Geo. II., c. 13, so far as it rendered those marriages void. It provided further, as amended in committee, for the registration of purely Roman Catholic marriages, and it required that such marriages should be celebrated between eight a.m. and two p.m., in the presence of two or more credible witnesses.

The measure introduced into the House of Commons by Sir Hugh Cairns is of a more comprehensive character than any of its predecessors. Though the bill is believed to be withdrawn, it may not be amiss to refer to some of its provisions. A glance at the schedule of the numerous Acts which it repeals, either wholly or partially, (among them the Irish Marriage Act of 1844,) shows that its framer has made it his aim to furnish an entire code of Irish marriage law. It deals not only with the registration, but also with the celebration of marriage. But we shall be disappointed if we expect to find in it the principle of uniformity, or equal facilities of marrying accorded to all denominations of Christians. The measure is essentially a conservative one, holding what it can, scrupulously cautious of

wounding party susceptibilities, and trusting to future enlightenment to provide a more perfect scheme. It adopts the main features of Lord Campbell's bill, by giving validity to intermarriages by Roman Catholic priests, and it proposes to confer on the Methodists the privilege of issuing licences, already conceded to the Presbyterians. But it leaves purely Roman Catholic marriages on the same unsatisfactory footing as before. No publication of banns, no legal hours, no necessary interval for salutary reflection are prescribed. If both the parties are Protestants and the celebrator Roman Catholic, the priest is liable to be convicted of felony, and the marriage is made null and void. The obnoxious rule is repealed which required the Protestant dissenters (other than the Presbyterians) to marry by a notice at the poor-house, and registration is to be performed in future by their own ordained ministers.

Quakers and Jews are not, any more than in England, to be compelled to perform the ceremony with open doors, within defined hours, or in the presence of witnesses. Conformity to "usage" is alone essential, and the onus of ascertaining the usage is thrown upon the registering officer. In order, however, that the ceremony may have any validity, both parties must be Jews, or both Quakers, and a Presbyterian or Methodist marriage will be good for nothing unless one of the parties at least is a Presbyterian or a Methodist. Thus the differential principle is maintained in its integrity throughout, and the civil is still confounded with the religious aspect of the contract. The measure, in fact, as has been ingeniously said, is not so much a matrimonial code for all her Majesty's Irish subjects, as a "series of concordats with the chief religious parties tacked on to a system of complete registration." No doubt the improvements which it contains are great, and we readily acknowledge them. Regarded as a tentative measure, it is perhaps the best practicable; but we must not overlook what it does *not* accomplish, or rest in the belief that we have reached finality in dealing with the Irish marriage law.

On the general question one word in conclusion will suffice, for it would be superfluous to enlarge on the benefits which would flow from the unification of our Imperial marriage law. Unity is always desirable where there is a common government, but especially in the instance of Ireland would the change be pregnant with advantage. The state of certain districts of that portion of the British dominions reveals to us, year after year, that no opportunity of assimilation should be overlooked. We deplore the ever-recurring hostility of Orange and Catholic lodges, of agrarian outrage and Riband atrocity, and yet we tolerate the existence of matrimonial impediments which owe their origin to Protestant intolerance. It cannot be reasonable that the Irish Roman Catholic clergy should be averse to the enforcement of civil observances which their own synods were the first to proclaim, and the neglect of which entails such evils on the people, seeing that countries purely Roman Catholic acquiesce in state marriages, wherever the Code Napoleon holds

sway. On the contrary, we have reason to believe that many of the
would willingly see the present clandestine mode of contracting ma-
riages abolished to-morrow. But the mischief of the present state of
things is so unmistakeable that the State would be bound to interfere
even in the teeth of the opposition of the Church. Marriage,
has been well and truly said, is "the parent of civil society;" but
the daughter has been too apt to neglect her filial duties. She has
been often appealed to in England to strengthen the enfeebled hand
of her who gave her birth, and the appeal, though answered but
has not been made in vain. In Ireland, an occasion is once more
offered for composing the petty differences which distract and almost
nullify the matrimonial union. The duty of the Legislature is clear
in the matter. It has done that which it ought not to have done, and
it has left undone that which it ought to have done. Let the law
require the marriage bond to be sure, public, and to be publicly
registered. Let it by a total repeal of its penal marriage enactments
do tardy justice to the innocent victims of municipal persecution,
and it will find that it has not only promoted the contentment of the
people, but has added something to the consolidation of the Imperial
rule.

The Marriage Law of Scotland. By G. HARRY PALEY,
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THE people of Scotland, though one of the most Protestant of the
European nations, have clung throughout the long history of their
political and legislative changes to that system of matrimonial law
which was embodied in the canon law by the Roman Catholic
ecclesiastics of the middle ages. For many centuries the laws of
marriage in England, Scotland, and Ireland, were substantially the
same. England was the first to depart from this uniformity. The
Statute passed in the 32nd year of the reign of Henry VIII., decla-
ring all marriages solemnized in the face of the Church valid, no-
withstanding any pre-contract of marriage, was the first protest of
the English legislature against the disastrous uncertainty into which
the finesse of a scholastic hierarchy had thrown the most sacred and
intimate relationship of social life. That was, however, but a tem-
porary improvement, for the Act was repealed as soon as Edward VI.
succeeded, and the ecclesiastical judges were again authorised to
decree the validity of such pre-contracts. The Church, by whose
zealous efforts the canonical doctrines had been incorporated into
every system of jurisprudence in Western Europe, was the first to
permanently modify their character, and devise a remedy against the
evils of which they were the obvious and potent cause. Had the de-
cree promulgated in 1563 been recognised in England, much of
the good effected by Lord Hardwicke's Act would have been antici-
pated; but, in this country, that famous decree was never received
as having any authority.

The ancient maxim that consent makes the marriage was then solemnly annulled for all civil purposes, and the presence of a priest and two or three witnesses became as essential an ingredient of the contract as the consent of the parties themselves. No doubt the preamble of that decree affirms, in positive terms, the validity of clandestine and consensual marriages, but the sound distinction was then taken between what may be termed the ethical and the municipal elements of the matrimonial contract. Certain formalities were then made absolutely necessary—not in order to make the contract binding *in foro conscientiæ*, but to give it publicity, and thereby entitle the transaction to the recognition and protection of the law.

Though it appears, from the language of the decree, that publication of banns was not made compulsory, that celebration in the face of the Church was left optional, and that priestly benediction was recommended on account of the gravity of the transaction,—the publicity insisted upon was a full avowal, by the ecclesiastics themselves, that their theories about marriage were, if not altogether wrong, to some extent imperfect and unpractical. The boasted antiquity of the marriage law of Scotland loses what importance it might otherwise have, by the historical fact, that the earliest champions of that system were the first to detect its weakness and to devise means for its amendment. The mediæval law remains to this day, in its integrity, in Scotland. What gratification can be derived from the reflection that it has resisted all change, and remains in the nineteenth century precisely the same as it was in the days of Wallace and Bruce, is difficult to imagine; especially when we remember the tragic history of its many victims, the open dissatisfaction expressed by the clergy, and the schemes which have been propounded for its amendment by priests and statesmen. Let me shortly point out how the marriage law of Scotland has been regarded, at different times, by the legislators and clergy of that country.

When the flagrant evils of irregular marriages were disclosed in the trial of the appeal to the House of Lords, in the case of *Kennedy* v. *Campbell*, an entry was made in the House of Lords Journal, 17th April, 1753, ordering the Lords of Session to prepare a Bill for the prevention of irregular marriages. The Bill, entitled "An Act for the better preventing of Clandestine Marriages in that part of Great Britain called Scotland," was introduced about twelve months afterwards by the Bishop of Worcester, and read a first time. This Bill, however, fell through, and no further efforts were made in Parliament to amend the Scotch marriage law until 1849, when Rutherford, then Lord Advocate, brought in a measure which contained the following, among other salutary provisions. That no marriage should be, in law, valid, unless solemnized in the presence of a clergyman, or by registration—the parties to enter their signatures in the register at the registrar's office, and in the presence of two witnesses. Fourteen days' residence, or membership of a congregation, in the parish, or certificate of the registrar that notice of the marriage had been

given seven days previously, was constituted a sufficient authority for a clergyman to celebrate the marriage. This Bill, after serious argument in the House of Commons, was referred to a select committee, but, like its predecessor, never became law. Lord Brougham's Act, 19 & 20 Vict. cap. 96, making it essential to the validity of an irregular marriage, that one of the parties, at least, shall have resided in Scotland twenty-one days before the event, and two other Acts providing for the more regular registration of marriages, are the only enactments on this branch of the law during a period of nearly 200 years.

On the other hand, the Church has in every age condemned clandestine marriages, without indeed directly attacking the system of law which gives them validity, but visiting the delinquent parties with her censures and excommunication. In 1581, ministers were prohibited from celebrating marriages in private houses. In 1601, the Assembly ordained that no marriages be celebrated by candle-light, or early in the morning. In 1567, a minister was deposed for celebrating marriage in a private house. In 1672, the Parliament of Scotland enacted, that the husband should not be entitled to the *jus mariti*, or the wife to the *jus relictæ*, unless the marriage were celebrated by a person lawfully ordained, or otherwise authorised. Twenty-six years later, it was further provided, that persons clandestinely and irregularly married should reveal the names of the celebrator and witnesses, or be mulcted in heavy penalties; that the celebrator should be imprisoned under a summary order of a magistrate, be perpetually banished, and suffer pecuniary fines or corporal punishment, as the Privy Council might think fit; and that the witnesses be corporally punished, if insolvent; or, if able, pay a fine of £100 Scots.

Let me now endeavour to describe, very briefly, the present state of the law in Scotland with respect to marriages.

In his Institute of the Law of Scotland, Book I, tit. 6, Erskine lays it down, that marriage in that portion of the United Kingdom is either regular or clandestine. "That is regular marriage, where banns have been regularly published according to the rules of the Church." I propose to pass on from the consideration of regular marriages, after a few observations, because this branch of the law appears to be satisfactory, inasmuch as it makes ample provision for the publicity, certainty, and record of the matrimonial contract.

There is no statutory provision as to the publication of banns; it is purely a matter of ecclesiastical regulation. The Assembly enacted, in 1699, that the proclamation be "made on three several sabbaths, which, when made, shall be immediately before divine worship begin in the forenoon." According to the practice of the present day—contrary to the law as laid down by Erskine—it depends on the payment of fees whether banns be published once, twice, or three times, before the same morning service. If the fees are large enough, the session clerk concludes his announcement of a "purpose of marriage," with the intimation that it is

then made for the first, second, and third time, and, there being no canonical hours, the parties may be married on the afternoon of the same day, probably at that very service. This is analogous in theory to special licences in England, and implies that the importance of publicity diminishes in the same ratio as the wealth of the parties—a principle which I feel bound to condemn as unsound and unjust. After proclamation of banns, the clerk delivers a certificate to the parties, which is the only warrant upon which a minister can celebrate a marriage. Celebration in church is not necessary, nor is there any prescribed form. The celebrant must, however, be some clergyman, though it is of no importance to what sect or denomination he may belong. Not only must two witnesses be present, but these witnesses must also know the parties to be married. Immediately after the marriage, a schedule, previously obtained from the registrar of the parish, is filled up and signed by the minister, the parties, and the witnesses. This schedule contains only the names, ages, and position of the parties, and a statement that the marriage was solemnized after due publication of banns. Within three days, the schedule is to be lodged with the registrar of the parish, who enters a copy of it in the duplicate registers, one of which, together with the schedule, is forwarded to the Registrar-General.*

By the law of Scotland, those marriages are *clandestine* or *irregular* which are contracted without the previous solemnity of banns. It may be observed respecting these marriages: First, that they are according to the law of Scotland strictly valid. Secondly, that notwithstanding their validity in law, the Church, until a period comparatively recent, visited with her censure and discipline, and the Legislature with penalties and imprisonment, the celebrator of the marriage, as well as the contracting parties. Thirdly, that they are of three classes; as *sponsalia per verba de presenti*, that is to say, marriages contracted simply by words declaratory of present mutual acceptance, and of which the following have been given as forms sufficiently precise: "we take one another for our lawful spouses," "I marry you," "you and I are man and wife." (*Reg.* v.

* The time has come, I think, when we may fairly consider whether the publication of banns in a church, is, at the present day, the most effectual mode, or a mode sufficiently effectual, of apprising the inhabitants of any locality respecting intended marriages. The parish church of the middle ages was the principal place of public resort, and for that reason a convenient medium of communication between the parishioners. But it has long ceased to possess that character. In some counties the majority of the inhabitants never attend the established church. It seems an idle farce to publish the banns of marriage, when it is absolutely certain that the information will never reach two-thirds of the inhabitants. A marriage licence amounts practically to a special privilege conferred on the rich, whereby they might avoid the publicity which the banns deems necessary to enforce on the poor. Perhaps the most effectual and the fairest arrangement would be to make the registrar's office, in the ordinary way, the medium of giving publicity to the marriages of both rich and poor alike; and to confine the issue of special licences to those cases of emergency which the law seems always to have had in contemplation.

Millis.) It is literally, and without qualification, true, that in Scotland, a man and woman sitting in a drawing-room, in a railway carriage, or in the box of an opera house, may contract a valid marriage without a note or memorandum or presence of a single witness, by using any simple form of expression indicating the actual and mutual acceptance of the conjugal relationship. Nay, more, according to the authorities, this relationship need not be acknowledged in words; it is sufficient if it be indicated, to use the legal phrase, by words or token. "The subsequent acknowledgement of it by the parties is sufficient to support the marriage, if it appears not to have been made in a jocular manner, but seriously, and with deliberation. Thus a marriage was sustained against the husband, February 17[illegible] Arrot (not reported), chiefly on his owning it to the midwife, and to the minister, whom he had desired to baptize the child, without any actual proof, either of the marriage, or of the parties living together as married persons." (Erskine's Law of Scotland, Book I, tit. [illegible]) The learned author already referred to, states that "it seems now settled: First, that a verbal acknowledgment, a declaration of marriage *per verba de presenti*, may competently be proved by parol testimony. Second, that although consummation may perhaps add, in a doubtful case, to the strength of evidence as to the true intent of parties, it is by no means an essential; a marriage constituted *de presenti* by mutual declarations, 'does not require consummation in order to become very matrimony;' it does, *ipso facto et ipso jure*, constitute the relation of man and wife. Third, that a first marriage, although private and irregular, can in no degree be affected by a second, how regular and public soever. There can, in fact, be no second marriage; there may be a ceremony, but it is a mere nullity."

Sponsalia per verba de futuro cum copula subsequente form another class. They are marriages contracted *conjunctione corporum* subsequent to a previous promise to marry. Marriages of the former class are consummated by the very acknowledgment of the conjugal relationship; for there the *conjunctio animorum* is avowed, and that mental act of consent, according to the doctrines of the canonists, is the vinculum and essence of the matrimonial contract. But a marriage contracted *per verba de futuro* is, in its inception, a mere betrothal. Nothing is presumed to be complete or consummate, either in substance or ceremony, until some subsequent implied or expressed declaration of mutual consent. From this promise to marry, either party may resile, by mutual agreement; and even without such mutual discharge, either may contract a valid marriage, regular or irregular, with another; but after having exchanged the promise to marry, the effect of intercourse is to raise a legal presumption of present mutual consent, sufficient to make the previous espousal a valid, though clandestine marriage, and to fix it with the liabilities and consequences of matrimonial connexion.

The third class of clandestine marriages includes those where the proof of the mutual consent rests upon no express declaration

either *de presenti* or *de futuro*, but upon habit and repute, *rebus ipsis et factis*. Proof of cohabitation, and general reputation of being husband and wife, is accepted as presumptive evidence that there had been at some time a legal marriage. "Cohabitation does not by itself establish this presumption; for a man and woman may thus cohabit to gratify their unlawful desires, without any intention of being bound by marriage. This legal presumption is grounded, not only on the nature of things, but on Statute 1503, c. 77, which provides that a woman who has been the reputed wife of a man till his death, shall be entitled to enjoy the terce as his widow, till it be proved that she is not his lawful wife. Hence, it may be observed, that the presumption of habite and repute is not so strong an evidence of marriage as to exclude a contrary proof; it only throws the burden of it on him who denies the marriage." (Erskine's Law of Scotland.) And further, "Marriage having once been constituted by habite and repute, no regard will be paid to a subsequent writing, acknowledging that the parties did not live together as man and wife." (Stair, B. iv. t. 45, § 19.) The system of matrimonial law which gives legal validity to clandestine marriages, is defended on two grounds: first, as being in theory strictly logical; and secondly, as being in practice conducive to morality. What is marriage, it is asked, in the sight of heaven, but the mutual acceptance and acknowledgment of the relationship of man and wife? The fact is complete when the interchange of consent takes place, and the law is bound upon proof of that interchange of consent, howsoever and from what sources soever derived, to recognise its binding force. The publication of banns, religious rites, and ceremonial observances are purely adventitious, the essence and substance being the consent of the parties. No one disputes the fact that consent is the very essence of the matrimonial contract. Indeed, consent is the very essence of all contracts. The question really is, whether the law ought not to insist upon certain observances as indicia and legal evidence of that consent. The provisions of the Statute of Frauds, of Lord Tenterden's Act, all the strict regulations as to stamps, registration of deeds, signatures, attestation, &c. &c. prove that mere evidence of consent is not always sufficient to bring genuine and *bonâ fide* agreements under the cognizance of the municipal law. The observations of Lord Stowell upon this subject are very pertinent: "Marriage in its origin is a contract of natural law; it may exist between two individuals of different sexes although no third person existed in the world, as happened in the case of the common ancestors of mankind. In civil society it becomes a civil contract, regulated and prescribed by law, and endowed with civil consequences. In most civilized countries, acting under a sense of the force of sacred obligations, it has had the sanction of religion superadded. It then becomes a religious as well as a natural and civil contract, for it is a great mistake to suppose that, because it is the one, it may not likewise be the other." (2 Hagg. Cons. Rep. 63.)

Every community has a right—nay is bound for its well-being—to impose upon individuals certain conditions and obligations. Will it be said that the courts should take judicial notice of a sale of an acre of land which is only evidenced *per verba de presenti?* Or will it be said that a marriage settlement is of so much greater importance than the marriage itself as to require clearer proofs than that to which it is simply appurtenant? That clandestine marriages contribute to raise the tone of morality sounds more like a paradox than the solemn statement of a truth to which we are expected to yield sincere assent. Is that the reason why such marriages have been denounced by the Church, condemned by the people, and visited with heavy penalties by the State? It might have been expected that if, in addition to the weight of legality, these secret marriages carried with them the recommendation of being preventive of vice, every alliance contracted under such circumstances would at least enjoy immunity from rebuke. Yet Lord Campbell, in delivering judgment in the memorable case of the *Queen* v. *Millis*, declared, "I can state of my own knowledge—being the son of a minister of the Church of Scotland, and having myself been present at such proceedings—that the parties who have been living together as man and wife after an irregular marriage are considered as liable to Church censure, and are not admitted to the communion of the Church until they have been censured and have expressed their regret for not having complied with the rules of the Church, but that the marriage is *ipsum matrimonium* has never been doubted." (10 Clark and Finelly, 755.)

Let us pass on from this synthetical reasoning, to inquire analytically whether the system of clandestine marriage tends to raise the tone of morality? It is said that the dishonourable man will be deterred from practising his seductive arts by the solemn consequences which the law attaches to immorality, if preceded by promise of marriage. But strangely enough it seems to be forgotten that for precisely the same reasons, the direct tendency of that law is to make female frailty the more easy victim of the designing, the dishonourable, and the immoral. It has been further urged in favour of this system, that clandestine marriages very seldom occur, the proportion being, as it has been said, about one in five hundred. But it is evident, from the very nature of these marriages, that the best calculation is little better than a good guess. To obtain any reliable estimate implies the absence of that secrecy which is their distinguishing characteristic. Those alone come to be known which litigation, family dissension, or some pressing cause, force into publicity. Again, if the proportion of irregular to regular marriages be one to five hundred—is it sound policy to throw uncertainty around the social status of the majority for the sake of extending in exceptional instances, what, for the sake of argument, might be admitted to be a merciful justice?

Lastly, this system of law has the grave fault of befriending the woman, who, although wronged, has at least been accessory to her

introduction to the incorporated craft of his trade, and the certificate of his service and qualifications by that craft was the ground of his introduction to the rights and privileges of citizenship.

The interests of all parties concerned appear to have been well considered and wisely adjusted and protected in the construction of these ancient laws. The apprentice, by reason of his length of service, (never less than seven years,) became a skilled workman and his provision in life and right to the freedom were thus secured; to the master was secured the skilled work of the apprentice during the closing years of his term in exchange for the instruction received in its earlier years; the members of the incorporated craft (whose interests depended on the maintenance of their prestige for excellence of workmanship) testified the qualification of the young workman to the civic authorities, who, in their turn, being interested in securing industrious and skilled citizens to maintain the supremacy of their city, admitted the apprentice to the full privileges of citizenship upon the certificate of fitness furnished by the craft. To a great extent the extreme importance which once attached to the custom has now passed away, by reason of the altered and more unfettered conditions of trade and manufactures. But as the binding of apprentices in accordance with the custom is still preferred by many traders and largely resorted to, it will not be unreasonable to inquire whether the wisdom of our ancestors devised that which, in this respect, is worthy of conservation at the present day; and, if so, whether it is desirable, in a social point of view, to extend the system to places other than the City of London.

But first to revert briefly to the custom itself. All apprentices must be bound at or above the age of fourteen years, and for a period of seven years at the least (bindings for eight and even ten years have taken place). Within the first year the indenture must be brought to the Chamberlain's Court for enrolment, to secure two objects. First, that the apprentice should not be tied for a lengthened period to a service which he had found distasteful. He is consequently asked three questions. (1.) Do you like your master? (2.) Do you like his trade? (3.) Are you willing to serve the remainder of the term? In the event of his replying in the negative, he is not enrolled, and he can sue out the indenture at pleasure. The second object is to secure the apprentice's services to the master by rendering the binding when enrolled irrevocable, unless dissolved by mutual consent.

To secure the respective rights and interests of masters and apprentices, a special jurisdiction exists by custom in the Chamberlain's Court, with appeal in certain cases to the Mayor's Court. This jurisdiction is neither wholly criminal nor wholly civil, but combines something of both; and while it remits offences of a decidedly criminal character to the jurisdiction of a magistrate, it takes cognizance of a class of *quasi* criminal acts on the part of the apprentice which are violations of the obligations of the indenture and which are comprised in the following list:—

Unfaithful and unskilful service,
Disclosing secrets of master's trade,
Disobeying orders,
Damaging master's interests, or permitting others to do so,
Wasting master's goods,
Lending them unlawfully,
Gaming,
Frequenting taverns or playhouses,
Committing fornication,
Contracting matrimony,
Buying and selling to his own use,
Absenting from master's service,
General insubordination or impropriety of language or conduct.

For these offences the Court commits to Bridewell, a prison of detention and occupation, but not a place of confinement for criminals. This power is seldom resorted to until admonition and advice have failed, and practically it is found necessary only in cases of confirmed depravity and wilful determination to continue idle or vicious courses. From seven to twenty-one days are the usual terms of commitment, but the Court has power to extend imprisonment to three months. Before, however, lengthened imprisonment is resorted to, it is usual for the Court to recommend cancelment of the indentures, in cases in which imprisonment for shorter periods has been found ineffective. The jurisdiction of the Court then ceases.

The Court also deals with breaches of covenant on the part of the master, and protects the rights of the apprentice. Complaints are constantly brought of unkind, unjust, or tyrannical treatment; of insufficient work, or maintenance; or of improper or unwholesome lodging provided for the apprentice. In all such cases the Court exercises a protective jurisdiction which extends to all that concerns the morals, health, and well-being of the apprentice, and enforces the due execution of the covenants entered into by the master. The administration of justice is prompt, for the Court sits daily, and is also inexpensive, as a complaint can be heard for a cost of one shilling, and no further expense is incurred unless commitment takes place. No form of agreement excepting the indenture can be produced in Court, which being invariable in its terms, certainty of decision based upon precedents is secured.

This Court is also, to some extent, one of conciliation; it being the practice to reconcile differences, afford advice, or admonish by private hearing, which in the majority of instances is found to succeed with first offenders, and with those who have erred from misunderstanding the law.

No solicitor practises in the Court, but the apprentice may be heard by his parents or friends. It is a peculiarity of this case, that the apprentice, being bound according to the custom, may plead in

any court in his own person, and not by his parents, even th[illegible] under age—this right has been frequently recognised in the Su[illegible] Courts of Judicature. Appeal lies from the Chamberlain's Co[illegible] the Mayor's Court of the City of London.

To afford an indication of the extent to which the jurisdiction [illegible] resorted to, the following figures are given, from the books of [illegible] Court now in use, which include a period of thirty-six years:—

Complaints adjudicated on private hearing, the parties being in most cases reconciled, about	14,[illegible]
Hearings on summons before the Chamberlain	[illegible]
Commitments	[illegible]
Average hearings on summons before the Chamberlain annually	[illegible]
Average commitments annually	[illegible]

About 3,000 apprentices are now subject to the jurisdiction, [illegible] the number is rather on the increase.

The trades mostly binding under the custom are printers, [illegible]veners, stationers, type founders, iron and copper smiths, machi[illegible] bookbinders, cork cutters, carpenters, cabinet makers, and box [illegible] packing-case makers. Many citizens in these trades employ [illegible] ten to sixty apprentices each.

Bills have been brought into Parliament by Government wh[illegible] contained provisions for shortening the term of service wh[illegible] desired; attempts have been made, also, by the Corporation to [illegible] the same object, but hitherto without effect. Such an alteration, [illegible] legally effected, would be acceptable to many traders, and wo[illegible] accord well with the present conditions of trade and of society.

The writer, who may be permitted to speak of the system [illegible] from its administration, desires to express his own decided co[illegible]tion that in a social point of view it is admirably conceived in [illegible] spirit of the wisdom which of old declared, "It is good for a m[illegible] that he bear the yoke in his youth." He is of opinion that it wo[illegible] be well for this metropolis, for its trade and traders, its youth [illegible] their parents, if the custom of the City were extended to all p[illegible] beyond the City's jurisdiction; and if good for London, the[illegible] follows that it will be beneficial to all towns and cities of the pr[illegible]vinces. Such was the opinion of the late Lord Ellenborough, wh[illegible] said in open court, when the subject casually came before him, "I heartily wish that such a practice extended all over England."

Should such an extension ever be contemplated, there are thr[illegible] things which should be carefully attended to:—

1. The mode of binding must be left *optional*, as at present [illegible] London.
2. The jurisdiction should not be entrusted to magistrates acting in criminal cases, but to some *civil* functionary, such as the County Court judge.
3. The place of commitment must not be a prison to which *criminals* are consigned.

These precautions are necessary in order that freedom of trade may be respected, and that the self-respect of youths may not be destroyed by contact with criminals and criminal associations.

On the Liability of Master to Servant in Cases of Accident. *By* VERNON LUSHINGTON, *Barrister-at-Law.*

THE Bill on this subject which was introduced this session by Mr. Ayrton and rejected by the House of Commons, purported to extend the liability of the master certainly to two cases where at present he is not liable, namely, (1) where the accident is caused to the servant by default of tackle or machinery, though the master is not proved to have been guilty of any personal negligence; (2) where the accident is caused by the default of a fellow-servant; and perhaps to a third case, (3) where the accident is caused to the servant by the negligence of the master in not furnishing proper machinery, the servant having undertaken or continued the work with knowledge thereof. These three cases were dealt with by the first section of the Bill in these terms: "Whenever any workman or servant shall be injured in consequence of his master, or any other person employed by his master, not doing any act or providing any thing which may be requisite or proper, or doing any act or providing any thing which may be improper, in or for carrying on the undertaking, work, or business in or about which such workman or servant shall be employed by or on account of his master, then such workman or servant shall be entitled to recover from his master damages for such injury by an action at law; provided always, such injury shall not have been suffered in consequence of any wilful act or omission of a fellow-workman or fellow-servant, for which such fellow-workman or fellow-servant is punishable as a criminal offence; and provided also, such action shall be commenced within twelve calendar months after such injury shall have occurred."

The second section extends Lord Campbell's Act to the cases described in the preceding section.

The existing law is fairly open to inquiry, because it is comparatively new. The case which is always cited as the first and leading case, *Priestley* v. *Fowler*, (3 M. & W., p. 1,) dates only 1837. The general principles of the law relating to accidents are old enough and well established; but for several reasons the application of them to cases involving the relation of master and servant has not, until recent times, fallen under the consideration of our courts of law.

First, changes in circumstances. The general introduction of machinery has necessarily multiplied accidents, and serious accidents; thus in 1861, in factories alone, and from machinery alone, notwithstanding our special statutory precautions and our inspectors to enforce them, there were about 4,000 accidents. (Report,

October, 1861.) Again, the construction of great works by "d sion of labour," has brought prominently forward new relat between employer, contractor, sub-contractor, and the servants of these. Secondly, changes in the law. The old quasi-religious of deodand, whereby the chattel or part of a chattel causing death of a man was forfeited to the Crown or the lord of the franchise, was abolished in 1846 (9 & 10 Vict. c. 62); and in the year was passed Lord Campbell's Act (9 & 10 Vict. c. 93), wh gave for the first time a remedy to the families of persons killed negligence. The Factory Regulation Act 1844 (7 & 8 Vict. c. and other statutes of the like kind, gave fresh rights or defined confirmed old ones; and lastly, the institution of County Courts the general cheapening of legal procedure, have rendered the of redress far more available than formerly to the working class

The subject is accordingly novel, and hitherto has been brou piecemeal only before the courts, as this or that case with its peculiar circumstances might chance to demand consideration. The whole matter, therefore, deserves and requires discussion.

I will begin by stating shortly the general objects of a law p porting to regulate the liability of masters towards servants in case accident occurring in the course of the employment. The first ob should be, To prevent accidents. The law should make it the duty of every person to be careful in his work, careful of himself, and of others;—the master careful in selecting his servants, in superintending them, in choosing right methods of work, in providing sound machinery; the servant careful, not only of his master's property, but also of his own life and of his fellow-servant's. For truth, it is very difficult to make men careful: the risk of injury appears so distant, so doubtful, and the very thought of it is so unpleasant; whereas the thought, trouble, and it may be expense to avoid the risk, are certain and immediate. Sheffield workmen, it is notorious, even resent improvements that render their work less dangerous, lest wages should fall; and many out of mere indolence, some out of mere bravado, will not avail themselves of precautionary means actually provided. Employers again do not like accidents, accidents do them no good, and they have humanity enough to be sorry for those who suffer; yet how few, from want of consideration, or from mean economy, will voluntarily take the pains or incur the expense to maintain due arrangements for the safety of their workmen! The necessity of our Factory Acts, Colliery Acts, and other statutes of the kind, too surely shows this. Against all such selfishness of employers, and unmanly recklessness of workmen, a law making persons responsible for injury occasioned by their negligence to others, and excluding them from compensation for injury caused to themselves by their own negligence, is a valuable protection.

The second object should be, To furnish rules whereby, when injury actually occurs, justice may be done between the parties. This appears rather a vague matter, but is a very real one, and in the present day of special importance. Our population being indus-

trial, and every day more and more so, the social relation, including the legal relation, of master and servant, needs in all respects to be clearly on a right basis,—to appear just in the sight of men. In particular, accidents involving, as they do, grievous personal loss and pain, rouse a sense of wrong, which co-operates with other causes to work dissension between class and class, and sometimes even leads to acts of lawless revenge. The recent murder in Manchester may illustrate this. The retributive law in cases of accident should be just; by being just, I mean founded on a fair consideration of the capital facts which mark the relation of master and servant, and the consequence of accidents arising in the course of the employment,—fair equitable consideration. This position is not denied, it is freely admitted, and the law purports to be based upon a construction of the contract of service, which it is to be remembered is, so far as express terms go, silent as to liability. But if the law has in any respect gone wrong, it will be from misapprehending or insufficiently appreciating some of these characteristic facts.

The principal of these facts seem to be as follow:—

1. The master and servant are engaged in a common work for the benefit of both. There is a virtual partnership between them. No one, least of all a lawyer, when he remembers the duty of the master to take reasonable care of his servant, can say the contract is for money wages and nothing else.

2. The servant works with his hands for wages, is a poor man, generally of imperfect education, and belongs to a class traditionally improvident. The master is a person of more or less capital, employs many servants, keeps accounts, and in the course of his business is accustomed to make pecuniary calculations based on complex contingencies.

3. The choice of servants, the selection of machinery and materials, the determination of the method of work, is with the master, and the master only. Practically, and with few exceptions, this is absolutely so.

4. The master and servant are equally aware of the dangers incident to the employment. I say equally; for though the servant may be practically more familiar with some dangers, there are others which the employer may well understand better; and of all he must be presumed in law to know adequately.

5. When an accident to a workman occurs, it may be accompanied or not by damage to the master's property, sometimes very great damage; but in all such cases the workman suffers with his body, literally with his flesh and blood, perhaps with his life. In a great number of instances the prospects of himself and his family are ruined. On the other hand, the master may lose heavily through the negligence of a servant without the servant suffering any injury; and in all such cases the master has practically no redress. Railway accidents and collisions at sea, involving thousands of pounds, are commonly of this kind. This is true, but not in my opinion very material. Such facts, which lie at the root of the subject, ought to

be fairly weighed in framing the law, or estimating it when framed; and I ask you to bear them in mind now in approaching the consideration of the rules of the English law which regulate the liability of masters to servants in cases of accident.

These rules are not statutory rules, but are the ancient Common Law rules concerning negligence, modified by the judges from the sense of what the contract of service requires. By "negligence," the law means the want of common and reasonable care; the want of due care, all the circumstances of the case considered. Every person is bound to use common and reasonable care, but what is to be deemed such care varies with circumstances. One kind of care is expected from an expert, another from a layman; one kind of care from a master, another from a servant; one kind of care from a person under contract, another from a stranger; what is negligence in a grown-up person will not be negligence in a child, and so on. In legal proceedings this question of negligence is generally a question of mixed law and fact, determinable upon the evidence by the jury after instruction by the judge. As a general rule, in all cases of accident, including those between master and servant, the jury have to say, upon a consideration of all the circumstances, whether there has been, by either party or both, a want of common and reasonable care, contributing to cause the accident.

The rules of law, then, relating to accidents sustained by servants in the course of their employment, are:—

RULE I.—*For injury by pure accident the servant has no remedy.* This is in accordance with the ordinary rule of law. Nobody has been guilty of negligence, nobody is to blame; and ill-luck has to be borne where it falls. The rule may be just, and it may be necessary, but no exception is made in consequence of the relation between the parties. The rule discards or overbears any consideration of the virtual partnership subsisting between employer and employed; and the practical result is, that in many cases the workman is maimed or killed in the service of his master, and without any compensation to himself or his family. It is true that in some instances, as in the late Hartley Colliery accident, or in the common case of shipwreck, the employer may have at generous expense adopted every measure to prevent accidents, and may himself be a heavy loser by the casualty; but in the majority of cases the suffering is chiefly on the side of the man. This may be remembered when we come to consider the more doubtful cases. It should be noticed that this class of accidents—purely inevitable accidents, though largely incident to a few callings, as for instance, seafaring—is not otherwise extensive; most accidents are the result of carelessness somewhere.

RULE II.—*For injury caused by the master's personal negligence the servant may recover compensation, if he has not contributed to the injury by any negligence on his own part.* This again is the ordinary rule as between strangers, no less and no more.

The master is accordingly bound towards his servant to take reasonable care in providing sound machinery, reasonable care in

selecting competent fellow-workmen, and reasonable care in arranging methods of work; and for any accident caused by his default in any of these respects, and without fault of the plaintiff, he is liable. But the burden of strict proof of the master's default is upon the plaintiff, which in itself enables many masters to escape liability for accidents undoubtedly caused by their negligence; and this not only by obtaining verdicts in actions brought, but in deterring injured servants from suing.

Again, without personal negligence on the part of the master there is no liability. The law gives the servant no warranty from the master that the tackle shall be reasonably sufficient, though the master provides the tackle and the servant's life depends upon it; no warranty that the fellow-workmen shall be competent, no warranty that the mode of work prescribed shall be safe from unnecessary risk. The tackle may be rotten, the ship unseaworthy, the system of work unnecessarily dangerous, but the servant has no remedy against the master for injury so caused unless the master has himself been guilty of a want of reasonable care, guilty of negligence. Hence a variety of accidents whereby the servant suffers and without redress. I do not now speak of inevitable accidents, which I have already dealt with, nor of accidents caused by fellow-workmen, which I shall deal with presently, but I now confine myself to those caused by the negligence of persons who have provided improper materials by contract with the master. The law holds that the servant has no remedy against the contractor, because he is a stranger to the contract (*Winterbottom* v. *Wright*, 10 M. & W., 109); a position I accept, but have no space to examine critically; and no remedy against the master, because the master has not been personally guilty of negligence; in effect no remedy at all. Is not this hard law? And what of the maxim, *Ubi jus, ibi remedium*, no wrong without a remedy?

Now this might be different. The law might imply from the contract of service a warranty from the master that the tackle and machinery should be sufficient for the ordinary work to be done. In so doing the law would do nothing very unprecedented. To the contract of marine insurance the law annexes an implied warranty that the ships shall be seaworthy. So the Common Law has for centuries implied a large obligation on the part of the innkeeper to his guest, and on the part of the common carrier to his bailor, so far as property is concerned. It makes them insurers against all accidents save the "act of God and the Queen's enemies;" and as it appears to me, for the reason that the innkeeper in the one case, and the carrier in the other, have practically the charge of affairs; just as in the case of master and servant, the master provides the tackle, and has superintendence of the work. It is true that the liability of the common carrier is generally avoided by a special contract, (allowed by the law,) and that it has not been extended in its full strictness, though it has very nearly, to the contract of common carriers with passengers. (Hodges on Railways, p. 619.) But why should it not

be so extended? and why should not a rule of law, which has done so much for the security of property, be applied to insure the safety of the lives of workmen? Such a rule would enforce personal care on the part of masters, and would not encourage carelessness on the part of workmen; nor would it operate unfairly; for the master, who has as good a head for calculating as any innkeeper or common carrier, could estimate such contingent liabilities in making his wages, bargains, and other contracts, far better than the workman now calculates them. The master, moreover, would have his remedy over against the defaulting contractor, the author of all the mischief. It was said in Parliament the other day, when this matter was discussed: Will you require of the master more than reasonable care? Certainly not, I answer. But will you make the master liable, except for want of reasonable care? Certainly yes, I answer; he should be liable for the want of reasonable care on the part of the contractor whom he has employed. The only difficulty is a purely practical one: how to express the limits of the warranty in due terms. For the tribunalt having refused to declare a warranty to be implied by law, it must be given, if at all, expressly by statute. The first section of Mr. Ayrton's Bill, though capable of improvement, seems to me to define fairly enough the liability of masters in this respect.

RULE III.—*Whatever the negligence of the master, the workman cannot recover, if by his own negligence he has contributed to cause the accident.*

A similar rule obtains universally in Common Law in all cases of negligence. Its equity is not altogether obvious, but it is well ratified by experience. Hard cases continually occur in which the fault is on both sides, the suffering on one side only; and the first suggestion of equity is that compensation might be allowed upon a consideration of the proportion of blame attributable to either party. But practical difficulties stand in the way of such an arrangement: for when A and B are both in fault, who can say how much blame is due to A, how much to B? The only court in which any apportionment of damages prevails, is the Admiralty Court, where, by what is said to be the old maritime law, if both ships are to blame for a collision, the damages are divided; but it is needless to dwell on this. The Common Law rule has long been settled that a plaintiff contributing, by negligence on his part, to his own injury, is without remedy, and rests upon the ground of public policy,—that a severe rule of this kind admonishes every man to be careful of his own safety. The rule is, therefore, perhaps beyond attack; but as between master and servant, it operates peculiarly unfortunately, for it induces the master to be careless, and often causes the servant to suffer for the joint default of himself and his master, when the master is far the more to blame of the two. This will be apparent when I state that entering or continuing upon work with knowledge of danger caused by the negligence of the master, is generally considered as conclusively showing contributory negligence on the part of the workman, so as to bar his remedy. This was the main

point decided in *Priestley* v. *Fowler*. How it operates in practice let the two following cases speak.

Dynen v. *Leach*. (26 L. J., Exch. 221.) "The defendant was a sugar refiner, in Liverpool, and had employed the deceased as a labourer. It was part of the deceased's duty to fill the sugar moulds, and hoist them up to higher floors in the warehouse by means of machinery. The usual mode of attaching the moulds to the machine was by placing them in a sort of net-bag, which effectually prevented any accident. This was the mode adopted by the defendant, until, from motives of economy, he substituted a kind of clip, which laid hold of the rim of the mould. The deceased, on the occasion in question, had himself filled the mould, and fastened it to the clip, but when it was raised, the clip by some jerk slipped off the mould, which fell on his head and killed him. On these facts the wife of the labourer was not entitled to recover."

Senior v. *Ward*. (28 L. J., Q. B. 139.) "After the passing of 18 & 19 Vic., c. 108, special rules were framed and approved of for the regulation of a coal-mine of which the defendant was the proprietor and manager. By one of these rules, for the direction of enginemen and banksmen, every morning, before any one descended the shaft, the cage by which they were let down was to be twice run slowly up and down, loaded, in order to test the sufficiency of the rope and tackling; this rule had been habitually neglected for many weeks, to the defendant's knowledge. One night, the rope by which the cage was suspended, being before in good repair, was (as it was afterwards discovered) injured by an accidental fire in the mine. The next morning A, who was a miner employed by the defendant in the colliery, and other miners, who all knew of the rule for testing the rope, and of its being habitually violated, presented themselves at the pit to be let down to work, and there not having been any previous testing of the rope, &c., according to the rule, were told by the banksman that they had better examine the rope before they went down. They, however, got immediately into the cage, and the rope breaking as they descended, they were all killed. An action having been brought by A's representative against the defendant: held that the action was not maintainable, for that the deceased's own negligence had materially contributed to the accident." In this case a widow lost three sons.

No one can deny that in these and the like cases the chief blame is with the master, while the cruel loss is upon the workman. The fault of the man is acquiescence in his master's wrong: and common experience tells us that, except in extraordinary cases, he is practically obliged to acquiesce, to choose between acquiescing or giving up his employment. The judges have felt this, and in a recent case have held that continuing to work with a knowledge of the danger does not necessarily amount in law to want of reasonable care, but is, with the other facts tending to show negligence, to be left to the jury. (*Holmes* v. *Clark*, 10 W. R. 405.) The facts of that case were as follows:—When the plaintiff entered into the service of the

defendant, who was owner of a cotton-mill, certain machinery, which was required by statute to be fenced, was fenced. After he had been some months in the service, the fencing by some accident or by decay was out of repair, and the machinery was unprotected. The plaintiff complained of it more than once, and it was promised that it should be replaced or restored. Before it was replaced, and whilst the plaintiff in the course of his duty was oiling the machinery, he was caught by the machinery and lost his arm. Upon these facts the Court of Exchequer, and afterwards the Court of Exchequer Chamber, held the plaintiff entitled to recover. The decision rendered substantial equity, no one can doubt; and it rests, I think, securely upon the principle, that nothing can bar a plaintiff of his right against a wrongdoer but a want of reasonable care on his own part contributing to the accident, which the jury are to be the judges of upon a consideration of all the circumstances. But the result it effects a considerable change in the law. Cases which would have been stopped by the Judge, may now go to the jury, who naturally are disposed to find for the plaintiff. But even as construed by the light of this case, this rule necessarily operates with severity upon workmen, and enables masters to be guilty of the greatest carelessness with impunity.

The section of Mr. Ayrton's Bill, it must be remarked, does not notice this rule of law: and perhaps the intention was to enforce the master's liability, notwithstanding the servant's acquiescing in the danger caused by the negligence of the master or others employed by him. If so, I think it is going too far; as there might be instances in which the servant voluntarily, for his own convenience and perhaps for additional reward, accepts the dangerous machinery. The rule given by *Holmes* v. *Clark* appears to hit the right middle course; and might be imported into the statute by inserting amongst the provisos there mentioned one to this effect: "Provided the workman or servant has not, by want of reasonable care on his part, contributed to occasion the injury."

Rule IV.—The last rule, and one to which I would ask especial attention, is, that *A workman cannot recover against the master for injury occasioned by the negligence of a fellow-workman.* This rule, which governs perhaps the most numerous class of accidents befalling workmen, dates from 1850, from the case of *Hutchinson* v. *The York, Newcastle, and Berwick Railway Company*, (5 Ex. 343,) and takes away from the servant the right which he would possess if a stranger, of suing the master of the person whose negligence occasions the accident. It is therefore a novelty. It is now, however, firmly established as the law both of Scotland and England by a decision of the House of Lords overruling a contrary opinion of Lord Justice Clerk, and Lord Cockburn; (*Barton Hill Coal Company* v. *Reid*, 3 MacQueen, 266;) it is also the law in America. (*Farwell* v. *The Boston and Worcester Railway Corporation*, 4 Metcalfe, 49.) The Judges say: the servant enters the employment with a knowledge of the risks incident to it, among which are the

risks arising from the negligence of fellow-servants; he, therefore, takes such risks upon himself.

In order to estimate the force of this reason, it is necessary to consider the ordinary rule called *Respondent Superior*, which makes the master responsible for the wrongful act of his servant. Now it must be taken for granted that the master is not personally guilty of any negligence, that he has taken due care in the selection of the servant, and is altogether innocent of blame; and perhaps it is not very clear at first on what ground a person so innocent is made to answer for the fault of another. It does not become clear until you give due weight to the other facts of the case; namely, that the master for his own profit set the servant on to work; that the person who suffers injury is wholly innocent of blame, and that his remedy against the actual wrongdoer is practically no remedy at all. This last consideration is important, for as before said, "*Ubi jus ibi remedium*," no wrong without a remedy. The law finding the remedy against the actual wrongdoer is valueless, casts about if possible to find a solvent person whom it may not inequitably fix with the responsibility, and finds him in the person next to the wrongdoer, the master who is profiting by the work. It is, I think, for the converse of this reason, that the master has been held not liable for the act of one who is not strictly his servant, as an "independent contractor" whom he has employed. There is not the same necessity to make him liable; he chooses the contractor indeed, he pays the contractor, he profits by the contractor's work, but then the contractor is considered able to answer for his own mischief, and for the mischief occasioned by any of his servants. The case is simply not within the policy of the rule, they would say. In this conclusion, however, I do not agree. For it is too much to say that the contractor or sub-contractor is always a sufficient man; often he is not; and often it is difficult to determine, before all the evidence is given, where the negligence lies. I see no reason why the original employer should not in all cases be liable, with a remedy over against the person actually in fault, or the master of such person. Such a rule would be simple, easy in practice, and just. But at any rate it is agreed on all hands, that the master is liable to a stranger for the act of his servant. Then why not liable to one of his own servants? Is it that the stranger does not share in the performance of the work, that the servant does? that the stranger does not share in the resulting profits of the work, and that the servant does? But by hypothesis, the suffering servant's share in the work is innocent; and it is assuming the whole question to say that he takes his wages as a consideration for the risks he has to run. Why should the existence of a contract with the master diminish the obligation otherwise resting upon him? Why should the servant who renders good service to the master be worse off than the stranger who renders none? Contracts generally impose liabilities, not remove them. The leading case of *Coggs* v. *Bernard* (1 Smith, Leading Cases) shows that even a gratuitous bailee is bound to take ordinary care

of the thing bailed, by his servants as well as by himself; and further, that the passing of a consideration for the bailment only adds to the obligation. So in the ordinary contract of carriage, the Common Law as we have seen not only binds the carrier to take reasonable care, but makes him an insurer. Above all, in the ordinary case of the servant suing the master for personal negligence, the contract does not stand in the way.

Then if it is not the mere existence of a contract, nor the share in the work done; ought the entering into the service with the knowledge that risks may arise from the negligence of the fellow-servants, to bar the remedy against the master? Let us examine this. If entering upon the employment with such knowledge amounted to a want of reasonable care, I could understand why it should bar the remedy: but it clearly does not; there is nothing tortious or negligent in entering the employment with such knowledge; such knowledge is simply inevitable. If, again, it be said that the knowledge of the risk operates as an implied waiver on the part of the servant of all right to recover for injury occasioned by risks so known, as a consenting to his own wrong;—I answer, analogy is all the other way. The bailee knows the dangers his goods run in transit, the railway passenger knows the danger of his journey when he takes his ticket; yet their remedies under the contract suffer not thereby. Even a stranger has some knowledge, at least must be presumed to have, of the dangers that may befall him on the highway, as from negligent driving and the like. But most of all, in the common case of the servant suing the master for personal negligence, there is antecedent knowledge of the risk, with full right of action in the event of the risk happening. On this point we have the following strange observations from the Court of Queen's Bench, when invited to compare the two cases.

"Though the chance of injury from the negligence of fellow-servants may be supposed to enter into the calculation of a servant on undertaking the service, it would be too much to say, that the risk of danger from the negligence of a master when engaged with him in their common work enters in like manner into his speculation. From a master, he is entitled to expect the care and attention which the superior position, and presumable sense of duty, of the latter ought to command." (*Ashworth* v. *Stanwix*, 30 L. J., Q. B. 185.)

The simple answer seems to be, that a servant *has* a right to expect equally both of master and fellow-servant reasonable care, though care of different degrees; and he enters on the service with a knowledge of this right, but no less with a knowledge that both master and fellow-servant are mortal men, and either may fail in their duty.

If I am right in this reasoning, the rule which deprives a servant of remedy against his master for injury by a fellow-servant, is not founded in strict law on the fact of a contract subsisting between the parties, nor on the fact of entering the employment with knowledge of the risks, but must rest, if at all, upon considerations of public

policy; on an opinion, that on the whole, in such cases, it is better that the servant should take the risk on himself. I submit that this opinion is erroneous, for the following reasons, which are simply a recapitulation of the positions with which I began this paper, the statement of the general purposes of the law, and the facts characteristic of the relation of master and servant.

1. The workman is a poor man, dependent for his daily bread upon his bodily exertions. If there is any person to whom the law should strive to give a remedy for innocent suffering, he is that person. And we have seen that, in many cases, the law in other respects deals hardly by him.

2. A rule making the master liable would stimulate him to take every care in selecting servants, and in superintending the work. The existing law exonerates a master simply because he is rich and delegates his office to a subordinate. Servants also would be induced by a change in the law to take greater care of their fellows, in order to avoid incurring the displeasure of the master. The statutory rule requiring factory machinery to be fenced, which in effect makes the master often responsible for the negligence of one of his servants towards others, has been found to work well in this respect.

3. The rule suggested is not open to the objection that it would be unfair upon the master, for the master, in fixing his rate of wages and his prices, may take into account contingent losses arising from accidents caused by workman to workman, as he now takes into account all other losses.

4. The rule suggested would help to bind master and men into a closer and more friendly partnership. The compulsion of law to take every measure for the safety of workmen would not only induce habits of carefulness, but would co-operate with other influences to promote habits of kindly consideration from the master, which in turn would bring better service from the workman, and in all ways improve their mutual position.

These are leading reasons for the change proposed. But to these I would add the following objections to the existing law. The existing law has introduced a qualification upon the leading principle that a person is answerable for the tortious acts of his servants; which in itself is an evil, unless necessary. It has further introduced subtle questions, of which the case of *Holmes* v. *Clark*, and other cases (*Abraham* v. *Reynolds*, 3 H. & N. 143; *Barton Hill Coal Company* v. *Reid*, 3 MacQueen, 266; *Barton Hill Coal Company* v. *M'Guire*, ib. 300,) promise an ample harvest, as to who are and who are not fellow-servants within the meaning of the rule. And it has already committed this contradiction, that although the contractor and his servants are not the servants of the original employer, (*Reedie* v. *London and North Western Railway*, 4 Ex. 244,) as against a stranger, yet the servants of contractor and sub-contractor are held fellow-servants with one another and the servants of the employer, (*Wiggett* v. *Fox*, 11 Ex. 837.) Not only equity,

therefore, and public policy, but simplicity and consistency of legal doctrine are in favour of the change.

With these remarks I commend Mr. Ayrton's Bill to the approval of the Association. I do not wish to exaggerate its importance. Compared with other matters affecting the working classes it is not important; but it belongs to an important class. Statutory interference with trade should not be applied without much consideration, but modern experience, as of our Factory Acts, Colliery Acts, Merchant Shipping Acts, shows clearly that positive enactments may be required to secure justice to working-men from their employers, and may work most beneficially to all parties.

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In this Department is discussed the science of Civil Jurisprudence; its bearing on the social condition of the people; the advantages derivable from a wide diffusion of its principles; the practical defects in our laws; the evils arising from such defects; and the fitting remedies.

SUMMARY OF PROCEEDINGS.

In addition to the papers printed in the foregoing pages, the following were read in the Department:—

"The Expensive and Unsatisfactory Nature of the Process for obtaining Private Acts of Parliament for useful Public Works." By Mark Whitwill.

"On Plurality of Votes to Individuals in Parliamentary Elections." By R. A. Macfie.

"On the power of the Crown and its Representatives to proclaim Martial Law." By George W. Hastings.

"The Present Position of the Landed Estates' Court, Dublin." By W. D. Urlin.

"Tenant Right Claim in Ireland." By Hamilton Geale.

"On the Patent Law." By Thomas Webster, F.R.S.

Sir Fitzroy Kelly, Q.C., M.P., delivered his Address, as President of the Department, on Saturday June 7th, in the Court of Exchequer at Guildhall, where the business of the Department was transacted. His numerous engagements did not permit of his presence during the whole of the proceedings, and the chair was consequently occupied on different occasions by the Vice-Presidents, and by Lord Brougham, and the Right Hon. J. Napier. Two evening discussions were held by the Department at Burlington House; the one, on the Marriage Laws of the United Kingdom, the other on the Patent Law.

MINISTER OF JUSTICE.

The Committee of the Department had intended that a paper should be read on this subject, but the engagements of the gentleman on whom they relied for its preparation led to an unforeseen disappointment. After the reading of Mr. Best's paper, which appears at page 97, the following observations were made on the question.

The Right Hon. JOSEPH NAPIER said, that in his opinion the necessity for a Minister of Justice was one of the most important subjects which could be brought before the Section. Mr. Best had, in his erudite and eloquent paper, alluded to the practical character of the English people, and this was one matter in connexion with law reform on which he (Mr. Napier) wished them to be practical. At the Dublin meeting the subject was well discussed and thoroughly sifted, and it was somewhat discouraging that now, when they met again, they had to go over exactly the same ground. It was some years ago that he came to the conclusion that we could never obtain real law reform without a separate department of public justice. There were some who objected to the name Minister of Justice; but about the name he cared little, so that he got the thing. What he wanted was a special department of Government, whose bounden duty it would be to look after law reform, and avail itself of the suggestions of able and practical men. Those were the chief advocates for it who were the best acquainted with the defects of the law, such as Lord Brougham, and the late Lord Langdale, in the House of Lords. Both those noble and learned peers had agreed on the importance and necessity of it, and no one had spoken in stronger terms in favour of it than the present Lord Chancellor, in a speech which he delivered in the Juridical Society. He himself had also advocated it. At first he got a good deal of discouragement when he brought the question before Parliament. He was obliged to propose a very timid and mild resolution; but the next year, when he brought it forward, it was seconded by Lord Russell, and carried with a high hand, and the House of Commons, in answer to an address to the Crown, received an encouraging reply. That was five years ago. The next year he left Parliament; and until the Association met last year in Dublin, had not again had an opportunity of calling public attention to the matter. Many who approved of it still asked how it was to be carried out consistently with the pre-eminence of the Lord Chancellor and with the authority of Parliament. He would preserve the pre-eminence of the Lord Chancellor by placing under him, as president, a department of the Privy Council, with a vice-president, as in the departments of Trade and Education; and as the duties of the Chancellor of the Duchy of Lancaster were merely nominal, he would do away with the office and transfer the salary to the vice-president of Justice, who should be a member of the House of Commons, and whose duty it would be to examine all measures submitted to the House, so as to guard against defects and inconsistencies springing up. He ventured to say, as a matter of finance, that the expense to the country of the numerous commissions which had been

appointed during the last twenty years, to examine into the best mode of amending the law, was far greater than would be the cost of keeping up a separate department. At present they had English legislation and Irish legislation, but he would have an imperial department to harmonize the legislation of the empire. They would thus realize the wish of Lord Bacon, and secure an expurgation, a classification, and a consolidation of the statutes. Having repeated his complaint that the Irish statutes are not dealt with in the consolidation entrusted to Mr. Reilly, he proceeded to say, that if law reform was to be properly taken up the people must be made to take an interest in it, and nothing was more desirable than that an intelligent community, in conformity with the spirit of the age and the feeling of the people, should take such an interest. One of the most distinguished men the House of Commons ever saw—the late Sir Robert Peel—proposed that there should be a Secretary of State for the affairs of Justice, and that the Home Secretary should, for executive purposes, take charge of Ireland; and were he now present he would doubtless be an earnest advocate for the appointment of a special department to supervise the materials of legislation.

Dr. ZIMMERMANN had seen so many evils arise from such an institution in other states, that he congratulated England on not having a Minister of Justice—an officer who interpreted the laws, not according to precedent, but according to his individual views.

Mr. NAPIER reminded Dr. Zimmermann that the Minister of Justice in this country would not have anything whatever to do with the administration of the law.

The PRESIDENT observed, that when they saw in both Houses of Parliament men of great weight and influence in the State who had pronounced in favour of the proposal, there was no reason why they should despair of seeing it carried into effect. It was, however, out of the question to expect that they could, at once, complete a revolution. Every day they could see the fatal consequences arising from the want of a proper superintendence of the work of legislation. He would, out of thousands, mention two cases. It would scarcely be believed that although the Bankruptcy Act of 1825 had gone through the ordeal of a severe criticism, characterised by legal knowledge and legal acumen, yet from the want of some person to consider it as a whole in relation to the body of the law, it passed both Houses of Parliament in such form, that no petition could be presented under it in relation to any act of bankruptcy which might be committed in the interval between its enactment and its coming into effect, and so it had, after one or two trials, to be altered. Again, in our own time, in the Act conferring on the Probate and Divorce Court jurisdiction in cases of declaration of legitimacy, the clauses were so worded that it was, contrary to the intention of the Legislature, left to the discretion of the judge whether he would or would not summon a jury in such cases.

PROCLAMATION OF MARTIAL LAW.

Mr. G. W. HASTINGS read a paper on the "Power of the Crown and its Representatives to proclaim Martial Law," of which the following is a condensation:—

During the last twenty years several governors of distant colonies have, by their own authority, proclaimed martial law on more or less grave occasions. Is such an act legal and constitutional?

In 1628, the Petition of Right denounced, among other abuses, the claim on the part of the Crown to proclaim martial law by the authority of the King in Council. Coke, Banks, Noy, and other great lawyers at that time laid down as the undoubted law of the land, that every subject of the realm had a right, which nothing could put away, to be tried by his peers in the ordinary tribunals of the country; that any proclamation of martial law was, therefore,

illegal as long as the courts at Westminster were open, the right remaining in the Crown to administer martial law in the extreme case of foreign invasion or civil disturbance closing the courts of law. Since the date of the Petition of Right no lawyer has disputed the soundness of these views, and no attempt has ever been made by the Crown to exercise the usurpation; the authority of an Act of Parliament having been invariably obtained when powers beyond the ordinary action of the constitution were required by the executive. In Ireland, indeed, a similar scrupulousness, at least prior to the Union, has not been observed; but the law was there vindicated, and the illegal encroachment of the Crown rebuked, in a remarkable manner. At the time of the Irish rebellion in 1798, martial law had been (illegally) proclaimed without consent of Parliament; and when Wolf Tone was captured in a French ship which was bringing French troops for the invasion of Ireland, he was taken before a drum-head court martial in Dublin, and sentenced to be hanged forthwith. Curran rushed into the Court of Queen's Bench, stated the facts, and demanded a writ of *habeas corpus;* it was instantly granted, and on the military officer demurring to the authority of the court, the Chief Justice, Lord Kilwarden, ordered that he also should be brought into court, and if necessary committed to prison. This was the last instance within the United Kingdom of any attempt at the usurpation of martial law.

Now, as it is certain that every British subject carries every personal franchise he possesses into all parts of the Queen's dominions, it follows that he has everywhere the right to be tried by his peers and by the ordinary tribunals, unless the supreme authority of Parliament shall have suspended the action of the constitution. If the Crown has no right to proclaim martial law, it follows as of course that its representatives have none such. The case, indeed, as regards governors of colonies, is *à fortiori*, for a colonial governor is not, strictly speaking, the representative of the Crown, that is, he is not its general representative; as laid down in a decision of the Judicial Committee of the Privy Council, he is only the agent of the Crown for the particular purposes named in his commission.* As the power of proclaiming martial law is of course never named in his commission, such an act by a colonial governor amounts to a double usurpation.

DISCUSSION.

Mr. Urlin considered the whole matter a question of degree. Circumstances might occur when the ordinary forms of proceeding might be inefficient, and a suspensory power become necessary. It was thus that, a few years ago, Government suspended the Bank Charter, and he doubted whether the Colonial Office would say to a governor that in no case should he proclaim martial law.

Mr. Williams observed, that when Government suspended the Bank Charter Parliament was not sitting, but when it did assemble, Government applied for an

* *Hill* v. *Bigge:* 3 Moore P. C. 476. See also on the whole subject, *Law Magazine and Law Review*, N.S., vol. xii., p. 170.

Act of indemnity to excuse such an extraordinary proceeding; and on the same principle a colonial governor who, of his own authority, suspended the Constitution, should get excused for his illegal act in that manner.

Dr. Edward Zimmermann said, Unfortunately I have been in the position to see more about martial law on the Continent than I liked; but it has never gone to the extent of being proclaimed by an agent or representative even of an absolute Government. I am not adverting to the question of right, I merely speak of matters of fact, and I say it is a principle of even absolute Government that no agent of the Government can exercise martial law without special authority; and I must strongly warn against the necessity mentioned before, for what is martial law but the opposite of law? Martial law is no law—it is the substitution of the arbitrary will of an individual in the place of law—and I say there never can be a necessity for no law. Where does such a necessity begin? where does it end? Where such apparent necessity was pretended, legal forms have been considered necessary. I beg to mention a well-known instance. When the Duke of Alba was sent to the Low Countries to suppress the insurrection, he carried blank death-warrants, duly signed, with him, to enable him to execute pretended offenders. Even the despotic Government of such dark times did not feel authorised to trust the commanding general with an unlimited power, and historians marked with general indignation the expedient of the Spanish Government. In the case mentioned in the paper you have heard even such formality has been dispensed with. But if we look to this country, we find that the Crown of this realm does not rest on laws passed within one or two centuries, but stands firm on laws which approach a millennium, and that within those laws the arbitrary will of a single individual can never prevail; I therefore call upon you to express the strongest feeling in the sense of the paper which has just been read to you.

The Chairman (Sir F. Goldsmid) considered that Mr. Hastings had anticipated the objections of Mr. Urlin, by stating that when the courts at Westminster were closed under extraordinary circumstances, then the Queen in Council might have recourse to martial law; and with respect to the suspension of the Bank Charter Act, as had been already observed, Government obtained an Act of indemnity for that breach of the law.

Mr. Hastings replied that in one of the instances in which a colonial governor proclaimed martial law, it was merely to suppress a riot. The troops fired and some people were killed. There could be little doubt that the governor might have been tried for murder. He could not admit that the matter was a question of degree, it was one of principle. If there was any necessity for entrusting colonial governors with that power, let an Act of Parliament be passed defining what the necessity is; but he hoped the Colonial Office would think fit to explain to the governors the illegality of their acts, and thus quietly put an end to the practice.

PARLIAMENTARY ELECTIONS.

Mr. Hare's paper will be found at page 110. On its conclusion a paper was read by Mr. Macfie, on "Plurality of Votes to Individuals in Parliamentary Elections," of which the following is a condensation:—

Plurality of votes is a personal right and public safeguard; an essential part of our suffrage system. A borough elector owning freehold property that yields him 40*s.* a year is registered also for the county. He may at the same time, for properties or tenancies elsewhere, be an elector in other counties, and in a university besides. The objections to such multiplication of votes are—that local feelings and interests may not, and local influence should not, be shared by non-residents—that the expense of elections is, in the matter of conveying voters, greatly increased—and that if carried out on an extensive scale, thereby mere wealth would be invested

with what might prove to be undue power. The *first* and *second* of these objections are partially removed already, and may be removed completely, by requiring residence as a condition for enrolling voters. The *last* is an attribute which, whatever be its force, would no longer deserve much consideration, but, on the contrary, might be turned to legitimate account, in giving a fair share in the representation to all classes and interests in the community.

Without professing to be philosophically exact and comprehensive, we may specify four orders of rights and interests as specially entitled to representation: those of citizenship, of trade, of property and of tax-paying. In respect of the first, every subject of the Queen, having liberties, rights, and home to be guarded, may well have a vote as being a householder.* In respect of the second, every man who is engaged in business as merchant, manufacturer, tradesman, farmer, miner, shipowner, or in professional life, (and all the more that he is generally an employer of others, often non-electors, who, doubtless, in most instances, share his feelings and views,) may fairly claim a second vote for his shop, office, manufactory, farm, mine, or ship. Again, in respect of the third, the interests of proprietors may be recognised still, and judiciously extended, by giving to every 40*s.* freeholder and copyholder or house-owner an additional vote. Lastly, connecting taxation and representation, might it not be sound policy, as well as equity, to give a fourth vote to every person who, at the annual period of registration, produces a receipt for £2, or a larger sum of taxes paid during the previous year? Such a plurality of votes presents this among other advantages; that small householders might share the suffrage and possess the consciousness that they enjoy the rights of freemen, without a too great preponderance being given to numbers. The advocates for a wide extension of the suffrage defend it on the plea that any over-weight in numbers would be balanced by the influence that would be exerted over the new electors by proprietors, employers, and men of position. Let us not stop to inquire whether or not such influence, effective or not effective, be legitimate. The circumstance that it is brought into account is suggestive. If the desired equilibrium is attainable without reliance on any expectations of the kind adverted to, by such a scheme of representation as we have been sketching, surely the means and result would be more safe and satisfactory, and more healthful for the body politic, high and low, rich and poor, in every borough and every county.

Plurality of votes in the way now proposed, of course does not mean plurality of times and places for giving votes. The elector who shall have four votes would give them altogether. In fact, they would be a quadruplication of the power of his single vote.

* In so far as the working out goes of the plans here suggested, there is no need of fixing any minimum rent; and if a minimum were desired, there would be no practical difficulty whether that were £4, £5, or £6, or less. And so with the other bases for qualifications, these may be worked out equally, whether the minimum rents or taxes be 40*s.*, or £4, £5, or £6.

Votes differing in degree of power we are familiar with (to [illegible] nothing of the case of joint-stock companies) in parochial polls [illegible] elections. There does not appear any reason why something [illegible]logous, but kept within narrower limits, should not be introd[illegible] for electing members of Parliament, especially if the qualifica[illegible] be founded on, and rise according to, the number of separate inter[illegible] rather than the amount of one interest.*

DISCUSSION.

The CHAIRMAN inquired if the paper by Mr. Hare recognised the [illegible] of the suffrage, or if it were applicable to the ballot.

Mr. HARE replied that the extent of the constituency to be polled [illegible] not matter, as the scheme would suit the largest as well as the [illegible] constituency. In one essential feature it was opposed to the ballot; [illegible] as each member would be the representative of 1,800 voters, those [illegible] would have to be known, else in the event of his death, or his [illegible] office, it could not be known who were the electors unrepresented. [illegible] such an emergency, a circular would be sent round to them, informing them of the fact, and asking them to choose another. The object was [illegible] make men proud of their representative. It disfranchised no one, [illegible] would do as well for municipal as for parliamentary elections.

Mr. ELLIOTT inquired if the scheme was calculated to elicit a more [illegible] and complete expression of opinion from each locality.

Mr. HARE replied that such was his main object.

Mr. ELLIOTT further inquired if it would enable 100 out of every [illegible] of the people to give force to their opinions.

Mr. HARE stated it would, and added, that the poll would not take longer than forty-eight hours' time.

Mr. BROOKS considered the proposal to be an entire contravention [illegible] the British Constitution. The right to be represented was a personal right. The right belonged to them in gross, but modifications had been introduced into the system of taking votes. There could not be anything more preposterous than to give a man a plurality of votes.

Mr. HARE reminded him that at present an elector might have votes [illegible] twenty different constituencies.

Mr. BROOKS said that did not justify its continuance. Men of talent [illegible] wealth would always have a legitimate influence with others, and that would compensate them for the loss of the plurality of votes. There was, in the spirit of the people, a desire to cling to the original plan of voting, with a limitation of the right to freeholders and householders.

Mr. MAYO considered that Mr. Hare had propounded in a great theory a masterly improvement in the present system of ascertaining the opinions of the several constituencies of the kingdom. Practice was not generally the same as theory, but it was the great advantage of the present day that theory led to practice; and the plan now proposed would extend and generalise the representation of the people and make it more germane to the functions it had to perform. It was the essential principle of the scheme, that it put men on their trial as to their fitness for being legislators, and by it we should get not only a better knowledge of men's sentiments, but also a better knowledge of the men themselves. The plan, although complex, was yet simple, and would in operation be perfectly clear. No greater system of generalisation was ever

* Conclusive arguments for plural votes and graduated suffrage are given in Mr. Mill's work on "Representative Government." He condemns, "unless as a temporary makeshift, that the superiority of influence should be conferred in consideration of property," not denying "that property is a kind of test." That property should be one qualification among others, most intelligent thinkers will allow.

proposed in politics. They must get rid of the idea that minorities were not to be represented; that privilege this scheme would confer on them. If it once came into operation, they would not see the House of Commons crowded with speculators and lawyers, nor would they see such men as the late Lord Macaulay or the late Sir Robert Peel excluded from that assembly through a feeling of revengeful spite. On the contrary, all men of average energy and social position would have a fair chance of a seat in Parliament.

Mr. PETER TAYLOR, M.P., denied that the present system of election by majorities excluded fitting men from Parliament. He considered the scheme proposed by Mr. Hare too refined, and too delicate for the wear and tear of actual use—he proposed that the electors should select, from a long list of candidates sent to them by circular, the particular candidate whom each one would wish to have as his representative, so that in fact the actual voters whom each member represented might be scattered all over the United Kingdom. He could scarcely think a system like that so good as the present system of local constituencies; the more intimate the relations between the representative and the represented the better, for that was the great safeguard against positive democracy.

Mr. RAPER gave the scheme his unqualified approval. It would lessen the expense of elections, an evil which had become a grievous one. True, there was now no property qualification by law to enable a man to sit in the House of Commons; but in practice it was just the opposite, as no person but a man of independent fortune could incur the outlay necessary upon a contested election. It would also minimise corruption, do away with the necessity of canvass, and give greater political vitality to the electoral body, inasmuch as every elector would feel anxious to exercise his privilege.

M. GARNIER PAGÈS spoke as follows:—

En France, après la Revolution de 1848, la Nation étant rentrée en possession de la souveraineté, le Gouvernement Provisoire dut substituer au suffrage restreint le suffrage universel. Il ne pouvait, sans violation du droit, priver un seul citoyen de la faculté d'élire les Représentants, qui devaient fonder les nouvelles institutions du pays. Mais comment serait exercé le suffrage universel? comment serait-il pratiqué? telle était la grave question sur laquelle le gouvernement fut appelé à délibérer. Deux modes se présentaient: le vote par Département, et par scrutin de liste,—le vote par circonscription régulière, et par election unique. Le temps manquait pour fixer la division de la France d'après la population, comme les carrés d'un échiquier, et le gouvernement commit la faute d'adopter le scrutin de liste par Département. Les conséquences furent celles-ci dans le Département de la Seine dont Paris est le centre: les électeurs s'élevèrent au nombre de 300,000, et les Députés à élire à 34. Les candidats dépassèrent le chiffre de 2000. Il en résulta que les électeurs furent obligés de chercher les hommes de leur choix parmi ces deux mille candidats, et d'en désigner 34; et que les candidats furent contraints de chercher à se faire connaître des 300,000 électeurs. C'était dans les deux cas l'impossible. Il en résultat que le suffrage universel tomba au pouvoir des comités qui s'improvisaient sans mission régulière, et des possesseurs de journaux. Les comités et les possesseurs de journaux restèrent les maitres des élections. Certes les uns et les autres fixerent leur choix le mieux possible. Mais enfin le suffrage universel n'était plus que leur expression, et non pas l'expression de la volonté libre et souveraine de tous les citoyens. Le suffrage universel était donc fausse à son origine. Le vote par circonscription restreinte de—Un Député par Collége—en prenant pour base unique la population, a cet avantage immense, qu'il permet au candidat de se faire connaître, apprécier, interroger par tous les électeurs, et à tous les électeurs de connaître, apprécier, interroger le candidat. Alors la lumière se fait. Les sympathies s'établissent. Le choix n'est plus sous l'influence irrégulière et indirecte de quelques uns. Le choix appartient réellement à chaque électeur. Voilà une application vraie du suffrage universel! Quant aux combinaisons de la pluralité des suffrages et de la représentation des minorités comme des majorités. Je pense qu'il y a beaucoup plus d'ingénuité dans ces divers systèmes que de réalité. En toute chose le plus simple est le meilleur. Le vote par circonscription restreinte permet aux minorites de

faire accepter dans certains colléges leurs candidats. Il y a tant de diver de situation et d'intérêts dans un pays, que certaine nuance d'opinion poussée sur un point, triomphe sur un autre point. Et croyez moi il y a déjà de motifs de division dans une assemblée, sans chercher à y en intro d'avantage. Il n'est pas bon d'avoir à l'avance des représentants qui séparés par leur origine, que aient été élus de différentes manières; c'est le trouble où il faut l'harmonie. Fractionner une assemblée en Députés Minorités et en Députés des Majorités serait établir de funestes divi Quant à concéder à un simple citoyen la faculté d'exprimer plusieurs suffr c'est créer de nouveau des privilèges, établir des hierarchies, des cathégories repousse également le systême comme fatal à la paix publique, et pou engendrer les discordes civiles. Certes il est beaucoup d'autres considéra à éxaminer. L'expérience n'est pas complète; et les hommes speciaux s'occupent d'élucider ces importantes questions rendent service à l'humanité feront découvrir le meilleur mode qu'un peuple puisse adopter pour éxer souveraineté. Mais ce qui est démontré, ce qui est incontestable, c'est que suffrage universel ne peut exister sans la liberté de la presse et sans la liberté droit de réunion et sans les autres libertés qui en sont les corrolaires. ces libertés indispensables, un peuple n'a pas le suffrage universel. Il n'a que la fiction, que l'apparence, que le mensonge. Oh vous, citoyens de grande nation, qui possédez toutes ces libertés, d'où jaillissent la lumière, pouvez être assurés que le suffrage universel chez vous sera la vérité, où vous croirez devoir l'adopter. Mais pour le pays qui vit dans les ténè privé des ces foyers sacrés, le suffrage universel n'est qu'une ombre, jusqu jour où les nuages qui couvrent son horison se seront dissipés.

Sir Francis Goldsmid, M.P., thought they were not in a position to pronounce a fair judgment upon the plan from merely having heard the pap The whole subject was one which required careful consideration by the pub and until it had received that consideration, it would not be sufficiently ripe for the cognizance of Parliament.

Mr. Urlin was of opinion that the representation of particular interests would follow the adoption of the scheme; an evil, however, which already existed. There were in the House, gentlemen who were the representatives of the banking interests, of the railway interests, and the shipping interests, and even of the life assurance interests, and he believed there were even those who held briefs for foreign sovereigns.

Mr. Prideaux observed that the great evil of the present system was that the members purchased their seats, and the object of reform should be to get rid of such a state of things.

The Chairman said he wished, before the discussion closed, to make a few observations. One or two of the gentlemen who had addressed the Section spoke in warm terms of Mr. Hare's scheme, and if public opinion could through means of it obtain a better hearing in the House of Commons, and if proper representatives were sure to be returned to that assembly, it ought to be at once adopted. That, however, was begging the question; and after the speech of M. Garnier Pagès, there could be no doubt that there were powerful arguments against the consolidation of electoral lists. He clearly showed that the two great faults of the representative system of France were, that owing to the large number of voters, and the large number of candidates, it was impossible that their characters could be appreciated, or the constituencies make a correct choice.

STATUTE LAW CONSOLIDATION.*

Mr. F. S. Reilly's paper is printed at p. 119; it gave rise to the following discussion:—

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* See *Trans.* 1858, p. 194.

DISCUSSION.

Mr. G. H. PALMER entered into a detail of the efforts which have been made, since the appointment of Lord Brougham's commission of 1833, to secure the consolidation of the Statutes. The attempt now being made with that object dealt with the fringes of two distinct and remote territories of legislation, and last session a Bill was introduced, he regretted to say only by way of experiment, to consolidate the Acts from the 20th of Henry III. to the 50th of Edward III. He should nevertheless like to hear that the work was being continued, in the hope that something might be done in the course of the present session. The fringe of the nearer territory comprised the Acts passed since the Union. It was however vain to hope for the advantage of a compact system of laws until the preparation of Bills was placed in the hands of a properly qualified officer or staff of officers, as the constant amendment of ill-drawn or defective measures was constantly adding to the size of the Statute-book and increasing its complexity. He instanced the number of Acts passed within the last few years to modify and improve the Act which constituted the Courts of Probate and Divorce.

The Right Hon. J. NAPIER said the expurgation detailed in Mr. Reilly's paper was excellent as far as it went, but he could not understand why it was not extended to the Irish statutes. There were in all 2,263 of those statutes passed before the Union, of which only 166 were now effective, so that the other 2,097 were a mass of rubbish, and as the cart was at the door in one country it ought to carry off the refuse from the other country also. By Poyning's Act the statutes made in the Parliament of England were binding in Ireland, and if these Acts were now expurgated for this country alone, the anomaly of having distinct laws for each portion of the United Kingdom would be strengthened. Since the Union there were a great many Acts passed legislating for Ireland alone by way of experiment *in corpore vili*, Parliament saying, let us first see how the law works in Ireland before we introduce it into England, and all these too were still to be continued in force. It ought to be the policy of the Government by securing the same laws for Ireland as for England to draw closer the ties of union and make them regard each other as integral portions of the same realm; but he regretted to say that the contrary policy was the one pursued, and every day contributed to widen the breach between the jurisprudence of one country and that of the other.

Mr. SHELFORD observed that a commission had been appointed to inquire how far it was practical to consolidate into one body the statutes of both countries, and their report was anxiously looked for.

Mr. GALE thought there was great danger attending the process lest anything should be struck out which was not fully provided for in the Consolidating Bills. The expurgation of the Statute-book ought to precede its consolidation.

Dr. WADDILOVE thought that instead of consolidating the statutes in the order of time the work ought to proceed by the consolidation of groups of Acts all connected with the same subject, as the Acts relating to merchant shipping, and the several Church Building Acts.

Mr. WOOD in reply to several gentlemen who put queries to him, stated that he and Mr. Reilly had now brought down the revision from Henry III. to Henry VIII. They were proceeding simultaneously with the modern statutes and hoped to soon see the two undertakings meet. The Bills Mr. Reilly and he had prepared, directed attention to a table in which they had carefully noted every clause they had omitted, setting forth where it was repeated or where repealed, as the case might be.

The PRESIDENT thought that if the attention of the Lord Chancellor were drawn to what had fallen from Mr. Napier, he would instruct the gentlemen to whom he had confided the work of consolidation to extend their operations to the Irish statutes.

PRIVATE BILL LEGISLATION.*

The object of Mr. WHITWILL's paper on this subject was to show

* See Mr. Whitwill's former paper, *Transaticons*, 1860, p. 161; and Discussion, p. 264.

that the present mode of conducting Private Bill Legislation has t treble disadvantage of expense, inefficiency, and obstruction to h liamentary business.

With regard to the expenses incurred by the employment counsel before committees, Mr. Whitwill stated that every co eminent or otherwise, who attends a committee receives for each after the first, £10 10*s.* as a refresher, and £5 5*s.* consultation On the first day the lowest sum any counsel can take is £33 made up of retainer £5 15*s.* 6*d.*, consultation fee £5 15*s.* 6*d.*, fee £11 0*s.* 6*d.*, and attendance fee £11 0*s.* 6*d.* Custom and etiquette of the bar fix the minimum but do not prescribe a max charge for brief fees, which have been known to reach 1000 gu Multiply these fees by the five, or six, or even greater numb counsel engaged on each Bill, add the fees of the Houses of Parlia amounting to several hundred pounds, make a further addition Parliamentary agents', engineers', and surveyors' remuneration, witnesses' allowance, and you arrive at a total sufficient to account the fact that companies have to expend a large proportion of t capital in order to obtain the power requisite to their making a pr use of the balance. The expenses attendant on one application Parliament (which was but slightly opposed by some landowne for an Act to construct a Railway about twelve miles long £7,417 9*s.* 6*d.* The cost for obtaining an Act for a Railway Co pany whose capital was but £7,507 amounted to no less £1,334 3*s.* 1*d.* or 17$\frac{7}{10}$ per cent. In another instance where capital was £38,782 the Parliamentary expenses reached £ 19*s.* 3*d.*, or 15$\frac{1}{4}$ per cent. When large enterprises are concerned costs are almost incredible. Up to 1857 the Great Northern Ra way Company had spent £334,219 and the Great Western £760 in order to obtain the sanction of Parliament to their undertaki Nor are Gas or Water Companies more fortunate: take for inst the British United Gas Company, whose Parliamentary expenses obtaining an Act merely for the amalgamation of two existing Co panies amounted to £2,554; the Carlisle Gas Company, whose Bi cost £1,372, or nearly 8 per cent, on the capital; or the Devonp Gas Company, who expended £1,611 to procure their original Act and £699 for power to increase their capital. The Blackbu Water Company had to expend £4,169, or more than 5 per cent the Cambridge Water Works Company £3,855, or nearly 12 p cent., and the Filey Water Company £889, or nearly 15 per cent of their capital to obtain their Acts. The cost of obtaining Pa liamentary sanction to throw a suspension bridge across the Avon Clifton amounted to £1,257, although the Bill was entirely unopposed.

Mr. Whitwill is in favour of a local preliminary inquiry, and i this and other points his paper agreed with that of Mr. Pulling which will be found at page 125.

DISCUSSION.

The President said he was perfectly astonished at the statements made in th

papers which had been just read to the Department. He was aware that a large outlay attended the application for powers to construct any public work, but it never entered into his imagination that the expense was anything like that to which the Great Western Company were said to have been put. He thought statements like that should be brought before the attention of Parliament, especially of those few members who particularly interested themselves in the conduct of private legislation, more especially Lord Eversley, formerly Speaker of the House of Commons, in order that something might be done to mitigate the evil. But supposing Parliament should appoint any other body to make those inquiries now conducted by the select committees, the question arose, to what tribunal should the duty be transferred? It was clear that if the inquiry into the facts of the case were committed to local examiners there would be constant appeals from their decisions to the House itself, and thus the expense instead of being curtailed would be greatly increased. On the Continent, Government itself fixed upon the course of a railway, which other parties took up, and thus they were freed from that expenditure which fell upon the promoters of similar undertakings in this country, and this accounted for the fact that the Continental railways were more remunerative to their shareholders than were the lines in this country. He thought the whole subject should be referred to a committee.

Mr. Arthur Ryland agreed with those who thought it possible that there could be a local inquiry into the facts connected with any scheme for which a private Bill was required; but when compulsory powers were asked for, it would still be necessary to have recourse to Parliament as at present. The subject he hoped would receive the fullest consideration of a committee before the next meeting of the Association.

The Right Hon. J. Napier said that the papers certainly showed a great grievance to which the promoters of joint-stock enterprise and municipal bodies were exposed in their endeavours to carry out great public works; but, bad as was their case in England, having to bring up witnesses from distant parts of the country to be examined, it was worse in regard to Ireland. He would instance the expense attending the Dublin Water Works Act of last session, which, owing to the opposition it received, an opposition that almost amounted to a political contest, occupied a committee of the House of Commons several weeks, and entailed a large expense upon the ratepayers of that city. A local inquiry into the facts of the case might have obviated a great deal of the evil. He believed the public generally had more confidence in the conduct of the Lords' committees than in those of the House of Commons. In the Lords, the committees were under the direction of a thorough man of business, Lord Redesdale, who took care that there should be uniformity in their proceedings.

Mr. Gale referred to the Local Inquiry Act to show how hopeless it was to try to supersede the ordinary Parliamentary inquiry. Something might be effected by a joint committee of the two Houses.

Mr. Pulling observed that a committee of the House in 1846 recommended a preliminary inquiry, to ascertain whether the public service would be advanced or injured by any scheme proposed.

Mr. Meschin pointed out the difficulty which those who looked after the public interest laboured under when they attempted to oppose a scheme. None but those personally affected by it had a *locus standi* before the committee, and therefore when those who on public grounds were opposed to it, wished to appear, they had to get some such person to allow them to take his place, and even then they were unable to give full effect to their opposition.

Mr. Arthur Ryland thought it advisable that when a scheme which affected the interests of a particular town, came on for inquiry, the chamber of commerce of that town should have a *locus standi* before the committee.

Mr. Hodgkin thought they should endeavour to ascertain the real difficulty of the case. There was no such grievance to be complained of in despotic countries by those who promoted great public works; and going to the other extreme of government, he might mention that under the democratic institutions of the United States of America they were equally exempt from the trouble, annoyance, and expense which attended their efforts in this country. If the evil were removed it would produce a great revolution in favour of enterprise. Expense

however was not the only evil of the existing system, which allowed the popula and interests of local proprietors to interfere with the public interests instance, when the Grand Junction Railway was proposed to connect Liverpo and Birmingham, some large landed proprietors through whose estates it was pass interfered, and, owing to their opposition, the line had to be considerab diverted from its original course, to the great expense of the promoters and to injury of the public. Again, in regard to the Eastern Counties line, the local pr prietors interfered to prevent its being brought too near to the town of Colches and now it was felt that the nearer a railway came to a town the better it for the interests of the place. The remedy could not be obtained until the ne of the subject were more perfectly understood.

Mr. Symonds said that in Canada, where the general Parliamentary proceedi were analogous to those in this country, the Legislature referred the inquiry in gard to local facts and circumstances to the municipal authorities of the locali

Mr. Pulling remarked that when the government of this country was more ar trary than at present there was a far simpler procedure in regard to all such matt A writ was directed to the coroner, calling upon him to summon a jury of th county to inquire how far the public interests would be interfered with by th proposed scheme, and on their report it was either authorised or disallowed.

CONCENTRATION OF COURTS.

The paper of Mr. Thomas Webster appears at page 136.

DISCUSSION.

Mr. John Young spoke as follows: I had been asked to prepare a paper this question, as it has been thought that I should be able to make some statements having reference to the financial part of the question. On the gen principle of concentration there can be little if any difference of opinion. Indee the evidence on that point was all one way. No one who appeared before th Royal Commission ventured to doubt that all the great purposes connected wi the administration of justice would be promoted by it. The commissioners wer unanimous in recommending it, and they were also unanimous on the question of site, in recommending that which is known as the Carey Street site. I may be permitted to allude to my own experience of the inconvenience which the wretch state of the courts and legal offices occasions. I think the inconvenience more thoroughly felt by the solicitor than by any one else. It is no doubt felt by the judges, much more so by the bar, but that felt by the solicitors scarcely be described; and it should be borne in mind that what is an inconve nience to them is necessarily a loss of time and money to their clients, for if it takes three hours to do what can be done in one hour, on whom does the loss fall? time, in matters of business, is a question of money. I shall now address to th Section a few words on the question of finance. That question ought not to pre sent any difficulties so serious as those which have arisen out of it. The Com missioners say in their Report, "We are of opinion that this temporary deficiency should be made good by the public by means of an annual payment from the Con solidated Fund. It appears to us that the providing suitable courts and offices for the due and convenient administration of justice is an object of supreme national importance, and involving the weightiest national obligations; that it is, in fact, one of the primary and paramount duties of the State. If its fulfilment involved even a large and permanent addition to the public burdens we humbly conceive that the State could not with propriety shrink from the obligation. But we are happy to say that the charge we recommend to be imposed would not only be extremely moderate in amount, but may also be temporary in duration." Without going the length of stating that all the machinery of government in the administration of justice displays itself in the verdict of twelve men, it is yet to little purpose to speak of its faults and defects unless justice is cheaply administered between man and man. Let us see how it cannot be done without pressing harshly upon the taxpayers. The Royal Commissioners have pointed to two funds, which are both adequate and available for the purpose. First there is the Suitors' Fee Fund. The nature of that fund is

this. When litigation commences in the Court of Chancery, the court is made the stakeholder of the amount in dispute, which is paid into the Bank of England to the credit of the Accountant-General. On the application of either party to the suit, that amount is invested *pendente lite*, and the dividends allowed to accumulate. At the present moment, under the head of the Suitors' Fund, no less than 50 millions stand in the books of the Bank of England to the credit of the Accountant-General. With that fund the proposition does not interfere. It would be a violation of the rights of property to apply it, or any portion of it, to the erection of the new courts. There is, however, a large amount which has not been invested, and it remains in the Court of Chancery as cash. It amounts to about three millions of money. It is in every respect to be treated as cash in hand, but the Accountant-General has, under an Act of Parliament, been authorized to lay out that money in investments of various kinds productive of interest. About £500,000 remains in cash to meet any immediate claims, but the other £2,500,000 has been invested under the authority of the Act of Parliament to which I have alluded, and by an order of the court the dividends have been carried to a distinct account, and these dividends have accumulated to £1,291,000, on which the suitors have no claim. The system may be a wrong one, and it might be better that the suitors should have had it invested; but be that as it may, the Legislature has already dealt with that money. It has directed some of it to be applied to the building of new courts, and some of the existing courts have been built out of it. This is one illustration of the command of the Legislature over the whole fund. Again, some time ago there was a claim set up to the estate on which the court and offices of the Master of the Rolls are situated, but Parliament out of this fund bought up the rights of the proprietors. These precedents show that Parliament has the entire government of the fund, and that the body of suitors have no interest in it whatever. The only possibility of any demand being made upon it by them is in the event of what has been called an ugly rush being made upon the money shut up in court, which, if it exhausted the £500,000 ready cash, might necessitate the selling out at a loss the £2,500,000 invested in Consols, and this accumulated fund might be required to make good the deficiency: but that is a contingency never likely to occur, as the average of the investments is 87, and during the last century the funds have not been lower than that. That is the first of the two funds to which the commissioners point, and although called the Suitors' Fee Fund, it is not so in the proper signification of the term. The other fund is a smaller one. It amounts to £203,000. Under one of the many improvements in the administration of justice for which we are indebted to the noble President of the Association, there was a great change made in the officers of the Court of Chancery, and consequently there was a great reduction of fees. By the provisions of Lord Brougham's Act, it was provided that out of the existing fees certain charges should be paid, and that the surplus should be carried to the Suitors' Fee Fund. That has been done. It would, *primâ facie*, appear but justice, that, after deducting the cost of the tribunal, the excess of fees should go back to the suitors; but it is impossible to find out who they were who were overcharged, or to apportion to them the proper amount of that overcharge. The fund continues to increase, and is properly applicable to such a purpose as the one I propose. Indeed, you could not more properly return the excess to those from whom it has been taken, than to apply it to the construction of new courts for their accommodation. These two funds taken together amount, in round numbers, to £1,500,000, created by the State for the convenience of the State, and as no person has a claim upon it, or the possibility of a claim, no fund can be more appropriately taken for the purpose proposed. Some fallacies have been put forth with respect to it. It has been said that there may be dormant claims upon it in respect to the money of deceased suitors, for which claimants may be found. That, however, is the greatest possible mistake, for there is not the slightest foundation for the notion. If every claimant, living and dead, were to come forward to-morrow, the £3,000,000 would answer every possible claim to the last farthing, unless the funds were knocked down below 87. It must be clear from what I have stated, that Parliament has a moral right to deal with the moneys I have specified, and cannot more appropriately do so than by applying them to purposes connected with the administration of justice, and

to what are they more applicable than the concentration of the courts? The interest upon the two sums taken together amounts to £45,000 a year. This used to be added to the capital; but some ten or twelve years ago it was carried to an income account, and applied to the payment of compensation annuities to the six clerks, the sworn clerks, and the other officers of the court, who were by the Act of Parliament deprived of their appointments. To all of them compensation was granted on a very liberal scale, and charged upon the income of the funds to which I have referred. If you take away the capital for the purpose I have mentioned, the State will have to make good their incomes to the gentlemen; but as the interest income of the funds is more than sufficient to meet all the charges upon it, there is a surplus of £5,000 per annum, or in round figures £5,531 5*s.* 5*d.*, which is to be deducted from the £45,000. In the first place, various rents which are now paid for the use of courts and offices will cease when the new courts are built. These, at a low estimate, amount to £10,000 more, so that deducting £10,000 from the £45,000, we reduce it to £35,000, the fullest extent of the annual charge which can fall upon the State, and even that is not likely to last long, for the compensations are terminable annuities which are falling in very rapidly, and when the holders of them die, they are discharged once and for ever. On an average, then, we may assume that the charge entailed on the public purse will not exceed £30,000 per annum for the next fifteen or twenty years. In the annual supply a vote of £17,000 is taken for the Courts of Common Law and Divorce, which is absorbed in the expense of cobbling up the old and inconvenient courts. I pass now to another branch of the question, and propose to deal with the adequacy of the fund; and the first question which arises is the cost of giving effect to the scheme. The figures may be stated shortly thus: The site, including the investigation of title, will, on the most reliable estimate, cost £675,000. The prices have been taken house by house, and the estimate has been confirmed by the Board of Works. Now comes the question more problematic, namely, the cost of the building. That has been estimated at the same amount, £675,000, so that taking the cost of site and the cost of construction together, the cost of the new courts will not exceed £1,350,000; and therefore we have in the two funds more than enough. It is, however, said, that you cannot rely on an estimate for building, and the expenditure upon the Houses of Parliament is referred to as a case in point; and we are cautioned against rushing into bricks and mortar, lest it may cost us a million, or perhaps two millions. That, however, is a bad mode of argument. I will assume that the estimates are too low, and that a much larger sum would be required. It is said we should provide for the expenditure of another million, and that is followed up by the assertion that the finances of the nation are not in a condition to bear the outlay. I will assume all that. Now, as the object of the scheme is to accommodate three sets of courts, and provide proper chambers and offices for the judges and other officers, the body of suitors may, I think, be fairly asked to contribute to the expense of the increased accommodation afforded them. Now 99,000, say in round numbers 100,000 writs are annually issued out of the Common Law and Divorce Courts, and suppose a small stamp duty, say three shillings and fourpence, was imposed on each of these, it would raise £16,000 a year. Now I ask any man conversant with business, if that is an impost which would be felt by any one. It would be infinitesimally small that no one could feel it. It would, in fact, be saved in cab-hire alone. I will, as I have before stated, assume that the actual will exceed the estimated cost by a million, the annual interest upon which is £33,000—a heavy insurance premium for the preservation of those records which are now stored in buildings not safe from fire, but for the custody of which there will be provided a fire-proof room in the proposed new buildings. We have, however, already provided £16,000 of that sum, and now let us see how we are to find the balance. There are 33,000 grants of probate made every year, and if, excluding those under £100, we impose a 10*s.* duty on each probate, we at once get the remaining £17,000 without anybody knowing it. Would that duty be felt by anybody? And even so, is it to be compared with the advantage which he would derive from having proper courts for the transaction of his business? We thus get rid of the only objection which made any impression upon Parliament

It was said you must not throw any additional burden upon the tax-payer; but is not that objection met by showing that, without going to the tax-payer, there is a most appropriate method of meeting the difficulty?

Lord BROUGHAM.—A person having a suit is, I presume, a person benefited, and, therefore, there is nothing more fit than that he should pay for it. That is what you say. Now I entirely differ from you. No suitor, be he plaintiff or defendant, comes into court otherwise than as a sufferer, and I consider the State absolutely bound, at its own expense, to see justice fairly administered between them.

Mr. YOUNG.—That may be, my lord, but surely there can be no objection to charging the parties in administration cases for the work and labour done by the court. It has become the practice to administer trusts of all kinds through the machinery of the court, and thus the trustees are saved the trouble, and all parties are benefited.

The PRESIDENT said that as he understood the statement just made by Mr. Young, the interest of the two funds to which he referred was charged with the compensation of the six clerks and other discharged officers. He wished to know if those charges amounted to £45,000.

Mr. YOUNG replied that the charge was fixed on the interest of three distinct funds. First, there was the three-million fund, which he would call Fund A, the interest on which was £66,000 a year. The second, or Fund B, consisting of the accumulated interest on the first, amounted to £1,291,000, and the interest upon that was £36,000 a year. The third fund, or Fund C, arising out of the fees saved by Lord Brougham's Act, was £200,000, and the interest upon it was £6000 per annum, in all £108,000, which, credited to the income account, raised it to £158,777. The actual charge of the courts, including compensation, was £153,237, so that there was an annual excess of £5,539.

The PRESIDENT.—You would then have to transfer these charges to some other fund.

Mr. YOUNG.—We admit that we would transfer them to the Consolidated Fund.

The PRESIDENT.—Is there any possibility of calculating at what time these compensations may be expected to cease?

Mr. YOUNG.—It has been calculated that they will expire in about fifteen years. I will read the report of the commissioners bearing on that point:—"It is true that out of the whole expenditure above mentioned, no less a sum than £74,396 6*s.* 3*d.* consists of annual payments for compensation to the holders of abolished offices; and it is estimated that these payments are diminishing at the rate of more than £2000 per annum by the falling in of existing lives; so that in a very few years the deficit will be thereby made good, and the infant Fund C will right itself. We do not here refer to salaries and pensions, which, as they drop, will, in the natural course of things, be replaced by others, and the total amount of which may even be increased as the increasing business of the court may, from time to time, render necessary an augmentation of its personal staff; but we are speaking exclusively of terminable annual charges, which, in the course of a few years, will entirely cease. In the meantime, however, and until the fruits of this process of reaction have been fully realized, means must be provided to meet the charges to which the fund is now subject, and to prevent the machinery of justice from being brought to a stand."

The PRESIDENT said the subject involved a number of separate considerations, each of which was accompanied by its own difficulties. With respect to the question of site, there could, however, be no difference of opinion, as they were all agreed that the Carey Street one was the best that could be selected. It was most central, and in the neighbourhood of all the classes who practised in the courts. It was at present covered with houses which were a scandal to the neighbourhood. To substitute for that nuisance a building of a commanding character and erected in good taste would be a most beneficial change. That might be taken for granted. The next and most important branch of the subject was that which had been dealt with by Mr. Young. It would be rash to commence the building without providing, in a reserve fund, for an excess of £500,000, above estimate. It was said the cost would be fully £2,000,000 and the question they had to consider was, how that £2,000,000 was to be obtained within the number of

years which it would take to complete the building. He entirely agreed with Lord Brougham that it ought to be the end and aim of all legislation to save the funds which could only be raised by expenses falling on the suitor. If there was any duty of Government more clear than another it was to make justice not only cheap, but gratuitous, without at the same time affording any encouragement to litigation, and therefore every effort ought to be made by an enlightened legislature to put an end to all fees which pressed upon the suitor. But here it was necessary to add to those already paid, when there was really a fund in existence which Mr. Young had properly designated one for public purposes connected with the administration of the law. He had also clearly demonstrated that it was only an impossible contingency which could deprive suitors of a pound of the fund which was properly theirs. The question would then be, how to provide for the annual expenditure now charged on the income of the fund. For himself he would say that he did not very clearly see his way to the immediate relief of that fund to such an extent as the application of it to the object proposed would require; for the House of Commons was not likely, when there was a general cry for retrenchment, to throw the burden of those charges upon the public purse. It was therefore clear that provision would have to be made for them. They might, however, from time to time, call on the State to grant us loans on the credit of those funds, which sooner or later would have to be paid off. That was the system which ought to be pursued, and he would recommend his friends to submit some proposition of that kind with a detailed scheme to the Government, which could be laid before Parliament, and submitted to a most searching inquiry. They should point out in figures how the produce of the funds might, from year to year, be liberated from the charges upon it, and how, from such loans as he had suggested, funds could be raised, sufficient for the purpose which they had in view. If such a proposal were made to Parliament, he doubted not it would meet with an unusual amount of support. One inestimable advantage of it would be, that it would obviate a waste of time. There were one or two subsidiary considerations involved in the question. For instance, they could not persuade the House of Lords to conduct its judicial proceedings in the proposed building. There would be the same difficulty in regard to the committees of the House of Commons. With those two exceptions, all the superior courts, the Judicial Committee of the Privy Council, for instance, might be collected in it. He had heard a difficulty stated with respect to the City of London jurors, but the Act of Parliament might, as in the case of the Old Bailey, legalize the alteration of the locality.

Lord Brougham considered that the difficulty with respect to the London jurors might be easily got over, but they could not expect to gain over the House of Lords, although they might very fairly ask the Judicial Committee of the Privy Council, composed as it was of ex-judges and eminent lawyers, accustomed to a forensic arena, to hold its sittings in the new courts. The difficulty then reduced itself to the question of finance. The Suitors' Fee Fund, which it was impossible to redistribute, might freely be made available for the purpose specified, but he certainly should object to any new fee being exacted from litigants, as it was a misfortune for any person to be a party in a suit.

Mr. Young said in reference to the Guildhall sittings, the administration would, when convenient courts were built for the conduct of the legal business of the country, have to decide upon the expediency of continuing to send a commission into the city of London.

Mr. Shelford doubted if they would be able to secure the property for the sum for the amount they imagined would purchase it.

Mr. W. S. Cookson argued that the proprietors were not unwilling to part with it for a fair compensation, to be assessed as in the case of property required for a railway inasmuch as they had not petitioned against the bills introduced into Parliament by the promoters of the scheme, although they contained compulsory clauses. He had not heard anything fall from Mr. Young to the effect that the suitors were to be taxed for the construction of the new courts. The sooner a suitor could get out of court the better it was for him. The more convenient they made the courts, the earlier he would be able to effect that; and if Government did not provide them for him, it was but fair that he should contribute to that which was for his own benefit, and which would save him a far larger amount.

The Hon. G. DENMAN, Q.C., M.P., detailed the treatment which the bills referred to by Mr. Cookson received in the House of Commons through the opposition organised by the benchers of Lincoln's Inn. With respect to the estimate of the expense, it would, he considered, be well to allow it a wide margin. There certainly was no breach of trust in using the Suitors' Fee Fund for the purposes of the new courts; and with respect to the proposed stamp upon writs, it would be as nothing compared with the saving of time, temper, and expense.

Mr. HARE regarded the proposed stamp duty as a perfectly just taxation. The man who was forced into court, either as plaintiff or defendant, by the wrongdoing of another was to be pitied, but there should be no pity for the man who forced him there, and it was on him the tax would fall.

MAGISTERIAL PROCEDURE.

Mr. Oke's paper will be found at page 146.

DISCUSSION.

The CHAIRMAN (Hon. G. DENMAN) referred to Sir John Jervis' Act, the 11 & 12 Vict., and said it conferred a great public boon in setting forth one common course of procedure, but still there was a constant difficulty in settling to what cases it applied. He had known dozens of cases in which that difficulty had arisen. Another important matter raised by the paper was the great question whether we should any longer have an unpaid magistracy. No one could deny that the system had been of the greatest possible benefit to the country, as a means, and a powerful means, for the education of the gentry in the laws of the land. It had caused 9,560 English gentlemen of the present day to educate themselves, more or less, in those laws. It had therefore given to the country a body of intelligent educated men, who exerted themselves to a most laudable extent in seeing that the law was observed and reverenced by others. Lawyers might now and then technically criticise their decisions; but from his own experience of the Bench, at Maidstone, he could most conscientiously say, that he was struck with admiration of the extent to which those gentlemen had made themselves conversant with the law. In a few cases there may have been a departure from the law, but they were cases in which even professional lawyers might have committed a mistake. The right of appeal ought to be uniform, large, and liberal, and taking it on the whole, there were few cases in which, if necessary, it was not allowed. It appeared that, on the average, there were 125 appeals annually, and of those appeals, one half were affirmed by the superior courts, and the other half annulled; and it should not be forgotten, that in that average were included the appeals on non-conviction. It was said in favour of the appointment of stipendiary magistrates, that such offices would be prizes to the bar, and that the more judges there were in the profession, the greater number of men would enter it. But it would also operate in another way, and render the bar subservient to the Government of the day. There was, however, now before the House of Commons, a bill brought in by Mr. Sheridan, and it was his intention to support it. He proposed to give to every borough of 25,000 inhabitants the power of determining by a majority of the ratepayers, as the salary was to be paid out of the rates, whether they would or would not have the services of a stipendiary magistrate. The reason for his supporting that bill was, that in some boroughs there might be political magistrates, and it would be an unsatisfactory state of things if their impartiality were questioned. He would not be opposed to the appointment of stipendiary magistrates in counties, if the unpaid magistrates themselves desired the assistance of a professional lawyer. Indeed, he was in favour of the power being given to them to elect such an assessor, as by recent legislation very important duties had been cast upon them. Feeling this, they had in several instances elected from their own body, chairmen, who were practical lawyers. Thus, in Kent, when Lord Romilly, who had a marvellous acquaintance with the law, retired, the magistrates elected as their chairman Mr. Hardy, who, when at the bar, had been one of the principal counsel at the West Riding sessions, and had

been one of the Under Secretaries of State. In other counties they had provided a salary for their chairman. He was glad to hear that the French were directing their attention to our magisterial law, as, whether we had to learn from them, or they from us, nothing but good could result from a careful comparison of the laws of different countries; it was one of the great advantages of the Association that it led to such conferences.

Mr. HARE would lay no force on the paucity of the appeals from the magisterial decisions; for out of every hundred cases in which there ought to be an appeal, in ninety-nine of them the parties could not afford the expense, and even if they could, there were many local influences prevailing to prevent their doing so. He would not say that the unpaid magistracy was not of very great value, but he would in no case think it desirable to add to the stipendiary element, unless under the circumstances mentioned by the Chairman. He would, however, be unwilling to leave the decision of the question whether there should be a stipendiary or not to the majority of the ratepayers. The Secretary of State or Parliament should decide that, leaving to the ratepayers to elect and fix the salary of the stipendiary. The county magistrates were now all appointed by the Crown, but he would suggest that the elective element should appear in the constitution of the bench, and that at least one-fifth of the whole number in each county should be elected by the householders. He made that suggestion, because the magistrates had the power of levying taxes for various purposes, a power which he looked on with a great deal of apprehension.

Mr. HASTINGS quite agreed with all that had been said with respect to stipendiary magistrates. The patronage of the bar was a good thing in one point of view, as it made the members of the profession work hard to obtain it, but that work was better secured by having a few very large prizes than having a large number of small ones. In the universities, the influence of the great prizes acted on all. Just so at the bar: it was the first-rate judgeships which brought men of ability into the profession. A large number of small prizes would have a tendency to flood the profession with men who did not practise, but simply got called, trusting that at the end of a few years, either by family or parliamentary influence, they might obtain one of those appointments. Such a state of things lowered the average of the profession, and also depreciated its status. He would, therefore, view with dismay any plan for giving to the profession such excessive patronage. He also objected to the appointment of stipendiary magistrates, because he knew that the existing magistracy discharged their duties well. Many of them endeavoured to obtain, and did obtain, a considerable knowledge of the law, and most of them discharged their onerous duties with care and assiduity. Moreover, the bench was by no means destitute of practised lawyers; taking, for instance, his own county, they had a vice-chairman of legal experience, and on the bench were two Queen's Counsel, and two County Court judges, and these gentlemen attended sessions regularly. As to the appointment of a legal man as a stipendiary assessor of the bench, that was practically disposed of, as there was in existence a statute empowering the magistrates to elect to that function the judge of the County Court. There was, however, one point in the present system which he strongly condemned. The Summary Jurisdiction Act was a legislative mistake, and Parliament ought to look sharply to it. Under it an old thief, who, if tried, would be transported, knowing the law just as well as the magistrate, pleads guilty, and escapes with a sentence of one or two months' imprisonment. He spoke on the authority of a report presented to the House of Commons, from which it appeared that in one instance, a man who had been thirty-seven times previously convicted, was, on pleading guilty at one of the Metropolitan Police Courts, sentenced to six weeks' imprisonment. This was, no doubt, an extreme case; but, as the report showed, only one of many of a similar nature. If such things are possible in the Metropolis, how much greater must be the evil in the country, where the magistrates had no chance of finding out a criminal's antecedents? *

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* See *Transactions*, Vol. 1859, p. 483.

Mr. ELLIOTT instanced the Aldermen of the City of London as efficient magistrates, and yet they were elected by the citizens without any test of their ability or competence.

Mr. ROBERT BROWN was in favour of a stipendary magistracy, appointed by the Crown, the ratepayers having settled the financial part of the question. So far as they had experience of the system, it worked so well that there could be no objection to its extension, especially as the tendency of the law was to increase the summary jurisdiction of the bench. It was not merely honest intentions and a desire to do justice which constituted the qualifications of a magistrate, for points of the greatest importance, which it required an amount of legal education to appreciate, much less to pronounce upon, frequently were submitted to his decision. It very frequently happened that questions of the greatest nicety in the common law came before the bench in the manufacturing districts, in regard to the duties of masters and servants. The power to appoint County Court judges was inoperative, as Government would not allow a County Court judge to accept the office of assessor.

The CHAIRMAN.—The Act to which Mr. Hastings has referred goes further, and allows the magistrates to fix the payment of the assessor.

Mr. BROWN was aware that that was the case, but in South Lancashire, when the magistrates so appointed a County Court judge, the Chancellor of the Duchy would not allow him to serve.

Mr. PULLING considered the subject resolved itself into two distinct questions—the simplification of procedure, and are the magistrates to be voluntary? As to the first, there could be no difference of opinion, and he would amend Jervis' Act by making it applicable to all cases of procedure. In regard to the second question, he would prefer a responsible magistrate, whose education in and knowledge of the law constituted his qualification, rather than a volunteer magistrate, however high his attainments. Much had been said of the evil which would accrue to the profession by having in it a large number of men, all looking out for patronage, but the question was not to be decided on such selfish considerations. They would not in the case of disease allow a dilettante physician to practise, and it was an illegitimate argument in favour of volunteer magistrates that in time they acquired a knowledge of their duties. The real question was, did they do their duty well, and in a manner to lead the public to think so? It was difficult to ascertain the truth of that proposition. In the Metropolis there had been stipendiary magistrates since the time of Mr. Pitt; but in the City the Aldermen, without any experience in the administration of justice, acted as magistrates. He would do away with the distinction, and make the system uniform. It was said that there were experienced clerks who set the magistrates right on points of law. He did not like work done by deputy, or that the clerk should be put in the judge's place. They could not expect a country gentleman to act impartially in questions rising out of the Game Laws, or in cases between one man and another, when he was on friendly terms with one or other of them. Again, how could a magistrate when one of the crowd administer justice regardless of popularity? It did not appear that any inquiry had been gone into of the number of cases in which the parties were unwilling to go before a magistrate, but the very notion that such cases occurred was a strong argument in favour of appointing those who were free from any such objection. Their decisions were as important to the poor as those affecting the rich which were pronounced in Westminster Hall. In the one case there would be magistrates selected from the bar, with a full appreciation of the voice of the public, who were watching their conduct. In the other case, they had volunteer magistrates, uneducated in the laws, whose duties sat so lightly upon them that they attended as it suited them. He would, if that system continued, do away with the option of sitting, and make it imperative. To elect them would add to the evil to a very great extent, and would be a step in the worst direction, and in regard to Mr. Sheridan's bill, he would entirely object to leaving to the decision of the locality the question of the necessity of appointing a stipendiary magistrate.

Sir BALDWIN LEIGHTON, M.P., would not do away with the unpaid magistracy, which was the astonishment of all foreigners. He denied that there

were any cases worthy of appeal, in which an appeal did not take pla
however poor the appellant might be, there were always to be found th
jealous of the due administration of justice that they were willing to ma
case up to a superior court. In matters like this, the people themselve
the best judges, and there was no desire on the part of the public that
diary magistrates should be appointed. The late Joseph Hume propos
all candidates for parliamentary representation should be examined, th
should obtain first, others second honours, and that others should be pl
and he thought that if the magistrates were to be examined as to their
ledge of the law, that suggestion should be carried out in regard to th
made the law, a process which would considerably thin the House of Co
He knew from experience that the county magistrates paid a great
attention to the proper discharge of their duties, and were gentlemen of
knowledge. True, it was not obligatory on them to sit, but every
who proposed to himself a duty felt a moral responsibility to discharge
much so as if he were paid for it. For instance, the chairman in
county lately came from Paris to take his place on the bench. He tru
in his county the magistrates would never be appointed by the popular
The contentions of liberal and conservative magistrates did not raise the
racter of the borough bench.

Mr. Symons said there was another branch of the question to wh
allusion had been made, namely, the constitution of the tribunals them
He mentioned this with the view of calling the attention of Mr. Ch
distinction between the judicial and administrative functions of the
The procedure in each case ought to differ, and they ought not to be co
at the same time and place. It had fallen to his experience to have
sociated with gentlemen who had to perform those double functions.
sitting together during administrative business a case of the judicial
would be called on, and every one present would proceed to it with
ministrative temper, and go wrong.

Mr. Ryland, in answer to what had fallen from Mr. Pulling, stat
from his experience he knew that justice was administered satisfactorily.
had at Birmingham taken an active part in all the proceedings of th
They had had there for the last two years a stipendiary magistrate,
had never heard a murmur against the decisions of the unpaid mag
who were manufacturers, merchants, and bankers. In regard to
questions, they had competent clerks to guide them. Their stipendiary
trate, and no borough had a more efficient one, did not decide one half
business of petty sessions. There were two other courts in the town,
neither of them was ever in want of at least two magistrates daily.
might also mention that the stipendiary magistrate consulted his cl
as frequently as the other magistrates did. As regards poaching ca
should not be forgotten that when a stipendiary magistrate went do
the country he became one of the country gentlemen, sported as they did,
was subject to all the same influences. He, for his part, did not hesitate
that until it was proved that the present system failed, they ought not to
duce a change. With respect to Mr. Sheridan's bill, he would observe th
large boroughs have now the power of representing to the Crown that
are willing to place aside a certain annual sum for the salary of a stipe
magistrate. He would now say a few words with respect to the elec
magistrates by the people. No town had a better magistrate than Birmingh
and yet he had been selected by the public, who were in the election
uninfluenced by politics. Three candidates, those having the greater
of votes, were, in the order they stood on the poll, placed upon a li
submitted to the Home Secretary, who chose him who was the first on th
After the passing of the Municipal Corporation Act by Lord John Ru
was supposed that politics would prevail in all municipal proceedings,
politics would never lead a town council to elect as their stipendiary
trate a man ignorant of the law, and the fact of there being two lists of
dates had not the slightest effect upon the administration of justice.
value of such an institution as the unpaid magistracy could not be over

for the Commission of the Peace led the gentlemen of the country to educate themselves in the law, and qualified them for still higher offices. The magistracy was also the means of binding class to class, to an extent greater than could be understood by those who did not themselves live in the country. The magistrates, by mixing with the people, as much increased the respect of the people for the law as the most impartial administration of it could do, and he hoped the day was far distant when they would be superseded by stipendiaries.

Mr. MOSSMAN, of Edinburgh, said that in that city the magistrates had a legal assessor, but his services were seldom called for. The principle of election was popular there.

Mr. DAWBARN, of Wisbeach, said the experience of that locality was not favourable to the adoption of a paid magistracy.

Mr. HODGKIN thought that constitutional considerations should decide in favour of the existing system, for if the whole administration of justice were to be placed in the hands of the nominees of the Crown, it would tend to alter the whole condition of things in this country. It very often happened when he was in practice, that he had in his chambers young gentlemen who came from the country to study the law, with the view of qualifying themselves for the discharge of magisterial duties; and he knew of one gentleman who continued his studies when he was high-sheriff of the county in which he resided. It should be borne in mind that, in the vast majority of cases which the country magistrates had to decide, very little else was wanted than the common-sense element, and that their conduct was vigilantly watched by the public, represented by the local papers. Until some evil was shown in the system, it would be prudent to leave well alone.

The CHAIRMAN, referring to the subject of procedure, said that at the commencement of the present session it was expected that they would have had the whole subject satisfactorily settled in a comprehensive measure. Last year six bills passed the House of Commons to consolidate the criminal law, and it was expected that at the opening of the session, or soon after it, a bill would be brought in to consolidate procedure, and the Attorney-General had his attention called to the subject, but he came to the conclusion that the question was not sufficiently ripe for legislation. There was, too, a bill before the House prepared by Mr. Pitt Taylor, which dealt very largely with the procedure as regards the criminal law.

Mr. OKE, in reply, observed that the judicial and administrative functions of the magistrates were even under the present system sufficiently distinct. The determination of offences had to take place in open court, but the magistrates might conduct their administrative business in private. What Mr. Hastings had remarked with respect to old offenders escaping a proper punishment, owing to the summary jurisdiction of the magistrates, did not apply to the City of London, for there was a strict inquiry into the antecedents of the offender, and if there had been a previous conviction, he was invariably refused the option of pleading guilty, and sent to prison for trial.

LAND TRANSFER.*

A paper was read by Mr. RICHARD DENNY URLIN, Barrister-at-Law, and delegate from the Statistical Society of Ireland, on the Irish Landed Estates Court. The paper commenced by a general survey of the history of the Encumbered Estates Commission, established by the Act of 1849, and of the Landed Estates Court, created by that of 1858. The subject has been so fully dealt with in previous volumes of *Transactions*, especially that of 1861, that it is un-

* See *Transactions*, Vol. 1857, pp. 80 and 88. Vol. 1858, pp. 131 and 198. Vol. 1859, p. 192. Vol. 1860, pp. 217, 232, and 284. Vol. 1861, pp. 158–185, and 243.

necessary to give this portion of the paper. Mr. Urlin proceeded to make some further observations, which are condensed as follows:—

The principle introduced by these Acts was not inconsistent with the spirit of real property law; it did not violate any rule of law or justice. It effected the judicial sale of land which was encumbered, and gave a perfect title to the purchaser, on his paying the price into court. Henceforward the court dealt with the fund representing the land; and after, by public advertisement and otherwise, inviting all persons interested to make their claims, proceeded to divide it according to the ascertained rights of claimants. For centuries a "Parliamentary title" to land was acquired by "claim and non-claim" in the Court of Common Pleas. It cannot, therefore, be said to be alien to the spirit of our jurisprudence to bar the rights of persons who omit to put forward their claims.

It has been objected against the title conferred by this court, that it is only perfect and unimpeachable at the time when it is obtained, and it is afterwards deteriorating, year by year, for want of a register of titles. But provided that the title conferred can readily be renewed, this is of little moment. Supposing the purchaser who obtains a conveyance, or the landowner who obtains a judicial declaration, to-day, desiring ten years hence to have his title renewed; the field of investigation will be on that occasion limited to ten years, and the expense of the proceeding will be small in proportion.

The reason why no such registry of ownership exists in connection with the Irish Landed Estates Court is, that there has been a General Registry of Deeds, which requires, and is about to undergo, improvement and reconstruction. The General Registry of Deeds in Ireland has proved, on the whole, rather a hindrance than an aid in the investigation of titles. The mode of registering and of indexing has been at all times so lax and unmethodical that a search generally discloses a number of memorials, as to which it is doubtful whether they affect the title or not, and the mere inquiry into these is a frequent source of delay and expense. It is now the opinion of those who are most qualified to judge, that a registry, if it exists at all, should only exist as a department of a court empowered to investigate title and grant indefeasible conveyances and declarations.

The Act of 1858 first imposed a duty payable to the Crown in respect of business transacted by the court. A difference of opinion may fairly exist as to whether such a duty should be levied. It has been urged that a court dealing with landed property exists only for the benefit of the owners and purchasers of landed property; and that the maintenance of the court cannot fairly be charged upon the taxpayers generally. On the other hand, it is certain that as no conveyance has been made by the court without its bearing the proper stamp required by law to be impressed upon conveyances, an amount of stamp duty on these deeds was realized, nearly if not quite equal to the whole expense of the court, which was therefore self-supporting. The Act of 1858 imposed a duty of 10*s.* in the £100 on estates of the value of £10,000 or under, and £1 in the £100 on estates

a higher value. The effect of the higher rate of duty thus imposed on large estates was to prevent, to some extent, applications for the sale of large estates. In some instances even, an estate has been divided, and separate petitions filed at different times, so that neither division would be liable to the higher rate of duty. Last year this inequality was redressed by a short Act of Parliament, so that at present a uniform duty is paid to the Crown on all estates, large and small, of 10*s.* per cent where a sale or a judicial declaration of title is made, and of 5*s.* per cent. when a partition only is effected.

There seems an increasing disposition on the part of the Legislature to take advantage of the court, in administering through its means such laws as relate to real property. Not only have the powers of the Court of Chancery under the Act known to lawyers as the "Leases and Sales of Settled Estates Act" been conferred on it, but additional powers were given by an Act of the last session, to enable tenants for life, and other persons having limited interests in land, to grant long leases for purposes of building and improvement. A bill brought in but not proceeded with, for the Regulation of Fairs and Markets in Ireland, also proposed to furnish some further employment to the court: while a bill recently referred to a select committee, and designed to regulate the General Registry of Deeds, will, if passed into law, commit to it the entire control of that department.

From the institution of the court to the present time, it has been found that safety and regularity of proceeding can be ensured by careful attention to two great safeguards. The first is found in the actual investigation of title by the court. These duties are not delegated, but are performed in every instance as minutely and conscientiously as though done by the professional adviser of an ordinary purchaser. The abstract is in fact perused by one of the judges of the court; and its verification by deeds, affidavits, certificates, and other evidences of title, is secured, under his personal superintendence, by competent officers. A tribunal armed with the powers of granting and declaring parliamentary title, and yet omitting the actual personal investigation of title, would have wrought so much mischief and injustice in six months as to have become intolerable.

The other great safeguard is the publicity given to its proceedings. The first step in every instance, whether the object be a sale or a declaration of title, is to publish notices in the newspapers, local and metropolitan, and more explicit notices are also published at a later stage. In addition to this, notices are served on all persons in occupation of the land, and on the owners and occupiers of the adjoining property.

It now remains to glance at one or two changes which have been made in the system of the court since last year.

Advantage has been taken to a much fuller extent of the splendid ordnance maps, and of the ample means possessed by the ordnance survey for surveying and mapping estates. Formerly it was

optional, or nearly so, with the parties interested, whether a su should be made or not. Arrangements have however been b made for having all estates surveyed by that department: a the court derives very great assistance from the accuracy a precision with which these surveys, accompanied by reports sh the rights of way and other rights or easements existing on t estate, are furnished.

The use of printing has also been introduced. A conveyan declaration of title, standing as it does in substitution of all o deeds or evidences of title whatever, is a document the impor of which cannot be over estimated. To ensure perfect accuracy, t existing rules of the court require all conveyances and declara of title to be printed, and full advantage is taken of the pow multiplying exact copies: so that while one copy is filed in the c as a record, another is executed as a memorial for the registry o and thus provision is made for furnishing secondary evidence, in c the original be lost.

It has often been a subject of surprise that through the long exp ence of investigating titles, and granting away estates, so few mist have been made. The two or three errors which have been d covered have been, with one exception, errors of the part and p description. An angle of a field, or a slip of plantation, has b mapped in by mistake, or a small tract of bog has been wrong included. As far as can be learned, these errors have all been fo out in time to compensate the injured party out of the fund. T exception referred to arose in a very different way. A sum money was ascertained to be due to A B deceased, on an exam brance affecting the estate of Colonel Keogh, and was retained i court to the separate credit of the estate of A B deceased. It happened that C D was the administratrix of another A B; a C D unfortunately learning that the fund had been reported to b estate of A B, she came to the court, produced letters of administ tion to A B, and received the money. The real claimant afterwa appeared, and after some litigation, succeeded in compelling p ment of the debt over again by Colonel Keogh, who naturally co plained of the hardship of being obliged to pay twice, the fi payment having been the act of the court. The case was, however, powerfully represented in Parliament, and a clause was inserted i the Act of last session awarding full repayment to Colonel Keogh to be levied out of the duty chargeable on estates passing throu the court.

The present state of the court is one of an extending jurisdiction For two years past there has been a steady increase in the amount of business transacted; the tendency of things is to bring into the hands of the court all transactions relating to land; few estates are now sold through any other medium.

Among the legal profession in Ireland, there has not, for some years, been the faintest shadow of objection to this jurisdiction. To solicitor it matters little whether the abstract of title which he pre

pares is read by an official or an unofficial lawyer; and he moreover has the best guarantee that his services will receive certain and speedy remuneration, as the costs of proceedings form the first charge on the price or value of the property. If the solicitor reside in the country, he finds that all the more important documents required in the progress of the matter, especially the abstract and evidences of title, can be prepared under his personal supervision, so that there is not in fact any tendency in the operations of the court to centralize legal business in the Metropolis. The rule of the court as to the employment of counsel is so plain and reasonable, that it is universally acquiesced in. Where any point of law arises, the aid of counsel is desired. Otherwise, every step can be taken by the solicitor alone.

Mr. Hamilton Geale read a paper on "Tenant-Right Claim in Ireland," in which he argued that the subject is much misunderstood in England. The position of an Irish tenant in respect to improvements effected on a farm is, in reality, more favourable than that of an English tenant; for while the law in England is floating and uncertain, and depending in a great measure on local custom, in Ireland two important Acts, the 23 & 24 Vict., cc. 153 and 154, have well-nigh consolidated the law of landlord and tenant, and form an elaborate code on the subject. Under these Acts the powers and remedies of the landlord as to making improvements and reimbursing himself for the outlay, as to changing the tenancy, &c., and also the rights of the tenant as to improvements and compensation, security of tenure, &c., are as fully and carefully set out as is possible in a legislative enactment. Many of the recommendations of the Devon commission have been substantially carried out in these Acts, which go as far as legislation safely can in dealing with relations so complex and delicate as those between landlord and tenant. The tenant-right of Ulster, by which the mere goodwill of a farm is made a matter of sale, is a special custom, springing originally from the peculiar circumstances of the plantation of that province; it has never been recognised by the courts, and seems to vary in different localities; it is also in a great measure at the will of the landlord.

DISCUSSION.

Mr. Handcock said there was a great difference between the tenant-right in Ulster, and what was demanded as fixity of tenure in the south of Ireland. The tenant-right was as old as the plantation of Ulster, and had originated in that undertaking, confined at first to the retainers of the Protestant settlers, but by degrees extended to the Roman Catholic inhabitants also. At present there was no distinction made in the letting of land between tenants of different sects, the only question which the Irish landlord now considered being, which tenant paid his rent best. Tenant-right prevailed throughout Ulster, and as it was at present valued at £12 per acre, it was clear they were, in discussing it, dealing with a matter which involved millions. It was the claim of the tenant to dispose of the goodwill of his holding,—there were no leases in Ulster,—with the consent of the landlord. The tendency at present was to consolidate the small farms; but the larger the farm the less in proportion was the money value of the tenant-right. Were the landlord to interfere with the right, it would lead to lamentable consequences; but it was really his advantage to have it preserved, as under it there could be no loss of rent sustained by him, and they were never

obliged to have recourse to a distress. The incoming tenant paid the landlord the arrears, if any, and deducted them out of the price of the tenant-right. He was not impoverished by his bargain. He had not to borrow the money, but generally drew it out of the Savings' Bank. As an average, the rent was 27s. an acre, and it was never raised except under peculiar circumstances. The transfer was of the simplest kind, being merely the substitution of one man's name for another in the agent's books. The right was not recognised in the south of Ireland, where they were asking for fixity of tenure.

Mr. DELAHUNTY considered the cause of agrarian crime lay deeper than land tenure. There was too much special legislation for Ireland, which was not treated as an integral portion of the empire. He should like to see the currency laws the same in Ireland as they were in England, as then the money of the country being employed in manufactures, would draw away the competition for land.

Colonel OLDFIELD inquired if the tenant did not consider himself the owner of his occupation.

Mr. HANDCOCK had never heard of any such pretension.

Mr. URLIN observed it was a mistake to consider tenant-right in any way like copyhold. It rested purely upon a good understanding between the outgoing and ingoing tenant, but had never been recognised by any decision of the Judges sitting in banco.

THE LAW OF CHARITABLE TRUSTS. *

Mr. Hare's paper on this subject will be found at page 158.

DISCUSSION.

Mr. BRACEBRIDGE would mention a case in point. In 1856, when he was one of the trustees of the Shakespeare House property, the late Mr. John Shakespeare gave a donation of £2,500, which was laid out on the improvement of the property; and at a later period he avowed his intention, in a letter to the Clerk of the Peace for Warwickshire, to bequeath £2,500 more for the same purpose, having seen the plans and approved of them; and at his death he did bequeath the trustees that sum, with some specific directions, which brought the bequest under the Mortmain Act, and so, in a judgment delivered by Sir Page Wood, they lost the property, which had been bequeathed for a national, and not for any religious or fanatic object.

Mr. VAUGHAN was of opinion that the provisions of the 22nd George II. should be made more stringent instead of being relaxed. He admitted the principle that there should be some direct supervision of the expenditure of all such bequests and endowments, but the difficulty was to decide upon the tribunal that was to exercise it. Were they to be altogether prohibited, it would not dry up the current of charity, for the moment a deserving object came before the public it was liberally supported; indeed, the danger was on the other side, and the thing to be avoided was profuse and extravagant benevolence. He did not consider posthumous benevolence charity, as it originated in a morbid vanity, a desire to create for one's self a posthumous reputation, or else it arose from superstitious fear, when the mind was enfeebled by sickness or old age. The man who has succeeded in transferring to charitable purposes a real estate, the transfer to take place after his demise, has not denied himself anything, and the whole onus of the sacrifice falls upon his heirs, while he carries to his grave the reputation of being a most charitable man; such benevolence paralysed the energies of those on whom it fell, and, therefore, was as pernicious to the State as it was destructive to the individual. The large monastic foundations in this country before the Reformation, created an immense amount of pauperism. Thus, too, it was that in the Roman Catholic countries of the Continent the facility of getting alms at the monasteries took away all stimulus to labour and caused a general state of idleness. Even now, in those towns of this country where there are doles given to the people, there is not the same independent spirit which is to be found throughout the country generally. He thought no case had been made

* See *Transactions*, Vol. 1859, p. 184. Vol. 1861, p. 147.

out to induce the State to alter the law of Mortmain, unless it was to make it more stringent, by putting personal and real property on the same footing. He would have the time between the making of the will or deed, and the death of the testator or donor, extended from one to at least two years.

Mr. NEWMARCH agreed with Mr. Vaughan in reprobating charitable doles, but the whole question was not met by considering it from that point of view; it was not the question of doles which they had to consider, but that of large endowments for important political purposes, such as the maintenance of an hospital, pensions or rewards for discoveries, and collegiate fellowships. They would, he thought, be hardly prepared to say that money so left was to be regarded as a public misfortune, nor did it concern the public to scrutinize the motives of one who made such an endowment. All the Association had to do was to consider if the object was a laudable one. The trade societies had now taken to found pensions for their decayed members. The history of misappropriation had been occasioned by the feebleness of public opinion in times past. The true interest of the country was not to throw any difficulty in the way of endowments. He would, however, place somewhere a power of supervision, not merely of the application, but also of the nature of the endowment.

Mr. URLIN considered it a mistake to represent the man who made a charitable bequest as making no sacrifice. A selfish man might eat up his capital and die without leaving any money at all after him, but the man who lived on the interest of his capital that a charitable institution might inherit that capital, made a great sacrifice. He would give more power to the Court of Chancery to divert endowments from their original intention, when progress left the object of that intention in the background; and he instanced the Latin lectures on music and other liberal sciences at Gresham College as things at present useless, but the endowments of which might, under the direction of the Court of Chancery, be dedicated to educational purposes consonant with the spirit of the age.

Lord BROUGHAM inquired of Mr. Urlin if he meant that the Court of Chancery ought to consider what the testator would have done had he lived to the present day.

Mr. URLIN replied in the affirmative. He denied that the endowments at the universities and public schools had passed into the hands of the rich. On the contrary, he knew that they were a great encouragement to the education of the poor.

Mr. SYMONDS said the question really was whether the State should resume its right and interfere with the free action of proprietors. The great policy of England was to allow to the proprietors a great extent of free action, subject to legislative control.

Lord BROUGHAM said his views upon the subject had been long known, and were expressed in the letter which in 1818 he addressed to the late Sir Samuel Romilly. He thought there ought to be larger powers given to the Court of Chancery. It was difficult to say if the State should allow the absolute power of tying up property for charitable purposes. He was not prepared to go so far as that. No man should be allowed to dispose of property in a manner injurious to society. The late Lord Ellenborough, in the case of the Small-Pox Hospital, went so far as to say that if it could be shown that it caused the disease to be more prevalent in its neighbourhood than would otherwise be the case, it should at once be taken down. That, however, was an extreme case. Charitable doles, as so much bread and beer, interfered with the industry of those who received them, and were absolutely absurd. When there was a surplus beyond the requirements of the object of the bequest, the Court of Chancery ought to have the power of disposing of it on some analogous object.

THE PATENT LAW.

Two papers were read on this subject, by Mr. Thomas Webster, and Mr. Macfie, and a special evening discussion was held at

Burlington House. The papers are summarized and the discussions reported in the Summary of the proceedings in the sixth Department, together with other contributions in which the subject considered in its international aspect.

DISCUSSION ON THE MARRIAGE LAW.

After the reading of the papers by Mr. Cookson and Mr. Pl which will be found at pp. 164 and 176, a short discussion ensued.

The PRESIDENT again complained that the tendency of modern legislation instead of aiming at the assimilation of the laws of England and Ireland rather to widen the breach between them. They had different systems Chancery, in Conveyancing, in Bankruptcy, in Probate, and in Divorce.

Lord BROUGHAM said, that in 1835, the House of Lords, owing to frequency of Border or Gretna-Green marriages, felt it absolutely necessary make an alteration in the law, but the bill they introduced for that purpose through in the House of Commons. In 1849, however, that House became to the evil, and an Act was passed, which required that the parties, before tracting a Scotch marriage, should be for some time resident in that country one time such a law would have put an end to the matrimonial speculations three most important persons in the realm, namely, the Archbishop of Canterbury, the Lord Chancellor, and the Lord Privy Seal, who had all made away matches. When it was proposed to do away with all irregular marriages, the late Lord Aberdeen strenuously opposed the measure.

The PRESIDENT said, in the case of *The Queen* v. *Beamish*, the judges the House of Lords, and went fully into the ancient law of marriage, showing that the presence of a priest was not necessary to the contract, thought that if Chief-Justice Tindal were now alive he would be of a opinion from that which he expressed in the case of *The Queen* v. *Millis* only essential condition to the marriage was mutual consent, and the law neither add to nor take from that consent. The State, however, might conditions and rules for the disposition of property, such as requiring tion, registration, and previous notice, and on principle those conditions apply equally to the members of every Church. As, however, the was no part of the matrimonial consent, the persons about to marry left a free choice of the religious ceremony with which they would have tract solemnized. That was a matter of religious freedom, but it was mistake for the State to enter into concordats with any particular sects, them from the general rule requiring publication, registration, or previous The whole confusion in which the law of marriage was at present involved of the State entering into, or interfering in, the religious part of the question for the future, the rules and regulations necessary for civil purposes entirely kept free from the question of religion. He held that the regulations which he had referred did not enter into the marriage itself, but that they rules fit and proper for the State to annex. If that distinction were view, it would reconcile a great deal of the difficulty which beset the A marriage which took place in any other country was accepted as legal because marriage was a universal law; but it was most inconsistent to it was possible to introduce new elements into the contract, although country might annex to the making of it what conditions it pleased. The Divorce Court was local, but marriage was universal. A case based upon that had been drawn up by an ecclesiastical lawyer and submitted to the Chancellor, who was of opinion that, under the present law, the wife, divorce, had, outside the jurisdiction of the Divorce Court, a claim upon husband for conjugal rights.

A special evening discussion on the same subject was held Burlington House, the Hon. George Denman, Q.C., M.P., in

justice have been so efficiently rendered to the injured party. In one case a cornet in a dragoon regiment, quartered in Scotland, was irregularly married to a lady in that country, concealed the marriage, and, coming to England, married another lady there; but the first wife proved her marriage, and so established her character. Mr. Smith quoted that case as exhibiting the justice of the Scotch law, but he (Mr. Hastings) held that it exhibited its injustice, which enabled one lady to conceal her marriage and her husband to enter England as a married man, and then to bring her who married him in the face of the world of the Church, to ruin, and her children to bastardy. The law that permitted such a thing was one directed against the woman, and not in her favour. It was for the interest of women that marriages should take place in the most public open manner, so that there might never be any doubt or question about it, and the honest woman might never be endangered without fault of her own. This was his answer to the argument brought forward by Mr. Campbell Smith. With respect to the Irish system, he would just say one word as to registration. He doubted if it was worth while for the sake of enforcing a general system of registration, to refrain from assimilating the law of marriage generally in the two countries. That could be done at once with very little negotiation between the contending parties, and he hoped that, for the sake of putting an end to future disputes on the point, some such scheme would be adopted.

Dr. Waddilove considered that the reason why not one of the many projects for the reform of the law of marriage had succeeded, was, that none of them insisted upon registration. For his own part, he could not consider any measure a good change, which was not coupled with compulsory registration. At a Dublin Meeting, Mr. O'Shaughnessy stated a fact which certainly startled him (Dr. Waddilove,) he stated that Roman Catholic priests frequently married Protestants to Roman Catholics, although by so doing they rendered themselves liable to transportation. They therefore objected to registration, because the fact of such a marriage became known, the priest who solemnized it would be liable to the punishment he had named. He did hope that they might be able to celebrate marriages irrespective of the creed of the contracting parties, and then registration would be no obstacle in the way of a measure for assimilating the law. He would put the ministers of all religious persuasions upon the same footing with the clergymen of the Church of England. Then again, as regards Roman Catholic priests, they could marry people at any time and at any place. They viewed matrimony as a sacrament, and therefore maintained that its regulation lay solely in the Church, so that the State had nothing to do with it; it would not be difficult to get them to follow the example of their brethren in other parts of the world, and give publicity to the marriage by the publication of banns. He did not approve of the licensing system, for under it parties could clandestinely marry, as a licence could be got within half an hour of the time parties made up their minds to enter into the contract. It was true that an oath was required from the applicant that both parties were of age, but still that did not protect families from the pain of seeing their sons and daughters tied for life to a clandestine marriage to persons of inferior rank, the very end which the system was intended to prevent. He feared that in Scotland they were so attached to their old institutions, that it would be impossible to get them to give way on this point, and, therefore, it would be better to begin with the case of the law of marriage in Ireland, and he would say first, that a memorial should be presented to the Legislature asking for an alteration of the law in the direction he had pointed out.

Mr. Martin thought they ought not to interfere with Scotland. It was, however, quite a singular thing with respect to the irregular Scotch marriages, that it was not the Scotch themselves, but the English or the Irish who availed themselves of the facilities which the Scotch law offered to secret and rash marriages. The Scotch themselves married *in foro ecclesiæ*. There a man and woman might live together, and although legally husband and wife, they never considered themselves so until a minister went through the ceremony with them. They thus argued in favour of their own law: they say, that if a ceremony is necessarily to be gone through, there are parts of that ceremony essential to its completion, and that if any of them dropped out by accident or design, the

an is the wife of the man, as she meant to be. It certainly was open to
tion that it did away with the necessity for publicity.

ALMER, in reply to Mr. Martin, recapitulated the argument contained in
which he read in the Section in the morning.

THBONE said, that although we might encounter hostility if we attempted
ere with the religious ceremony of marriage as solemnized in the
Catholic Church, the common sense of the country would bear us out in
registration.

ELFORD said, that as he understood the proposition it resolved itself into
ion: What is to be done with reference to the marriage law in England
and? It seemed to be conceded that the English law was the best, and
nothing could be more liberal than the Act of 1836, which enabled every
dissenters to marry according to the rites and ceremonies which they
, provided only the marriages were duly registered. The only point which
been conceded to them, was the legality of marriage with a deceased
ter. But as that was a part of the subject outlying the present inquiry
l not now discuss it. The law of Scotland in regard to marriage was,
ered, in a worse state than had been the law in this country before the pass-
rd Hardwicke's Act; but however much they might be convinced it would
advantage of society it should be altered, they yet, before they attempted
should have a proper regard to the feelings of the people. With regard
d, he could not see why they might not be allowed to marry there as
arried in England, by registration. It was, however, a difficult thing to
the Roman Catholic priests, who objected to any State interference
, their object being to maintain and widen the power of their Church.

AIRMAN said, with reference to the suggestion of Dr. Waddilove, it
ompetent for the Meeting to adopt any such course as he proposed; for
it might be their opinion that the law ought to be altered, they could not
e Association at large to it. With respect to what fell from Mr. Geale,
d to put the matter in a very plausible light. The unwillingness of the
atholics to submit to registration would continue so long as their priests
ictable for solemnizing mixed marriages, but some compromise might be
by good management. For instance, if they submitted to registration,
l allow them to marry whom they wished. The view of Mr. Rathbone
cut the Gordian knot. He held that, as registration was a reasonable
e should not allow the crotchets of any particular religious body to
with the State in its endeavours to secure it. It was certainly a great
there should be clandestine marriages. It was said that the feeling in
was against them, and that the people preferred being married *in foro*
if there were a few who thought otherwise, it could not be considered a
to ask the people to give them up. Mr. Martin had referred to the

numerous—they had been all dealt with in the discussion, and lay within a very small compass.

LAW OF MASTER AND SERVANT.

Mr. Vernon Lushington's paper is printed at p. 187. The following observations were made during the

DISCUSSION.

Mr. Lefevre said the rule that a master was not liable for any injury that a servant suffered by the negligence of a fellow-servant was founded upon the supposition that where a set of men worked together, each had over the other sufficient control to prevent any such occurrence. It was a rule, however, which occasioned a great deal of injustice. For instance, there was no connexion or communication between an engine-driver and a breaksman employed on the same line of railway, yet if, through the negligence of the breaksman, an accident took place, and the engineer received an injury, he could not recover any compensation from the Company, as the negligence which led to the accident was the act of his fellow-servant. The rule ought to be enlarged to embrace such cases. He had however some doubts with respect to going the length of requiring from the master a warranty that the machinery has been properly fenced, as the men who worked in a factory knew very well where the danger lay, and could with ordinary caution avoid it.

Mr. Lushington observed that the common law required that all seaworthy ships should be seaworthy, and on the same principle the statute law required that all machinery should be fenced; and he would retain the liability of the master if he kept it unfenced, for when he engaged a servant it was with an implied contract that the machinery was fenced.

Mr. Holland observed there were two questions to be considered: first, the extent to which the rule ought to be carried; and secondly, how far it was expedient. The men should be guarded against all avoidable danger. In the case of the coal trade, the rope for the raising and lowering of the cradle should be daily tested, and the safety lamp should be kept locked. The case here was not so clear in respect to the trades carried on by machinery.

The President said he listened with the greatest attention to the paper. The question was surrounded by many difficulties. It was, however, perfectly clear that the workpeople in the factories and mines had not adequate protection. In the case where two parties contributed to the injury, the injured man was not allowed to recover from the other, and so benefit by his own wrong. There were, however, cases in which that worked a good deal of injustice. For instance, a man driving the wrong side of the road meets with an impediment placed there by another, is upset and injured, but he cannot recover, on the principle *volenti non fit injuria*. Every man was bound to do his reasonable duty in his position in life, and it was left to the jury to determine whether he had acted in that way.

EDUCATION.

UPPER AND MIDDLE CLASS EDUCATION.

College Fellowships at Oxford and Cambridge. By JAMES HEYWOOD, M.A., F.R.S.

COLLEGE Foundations at Oxford and Cambridge include among their principal members:

1. Scholars and Exhibitioners,—who hold endowments, varying from about forty to seventy-five pounds a-year, tenable for a limited term, such as five years, and who are usually elected from the class of students or undergraduates.

2. Fellows,—who are usually Bachelors of Arts, Law, or Medicine, at the time of their election; whose emoluments vary from about one hundred and fifty to three hundred pounds a-year, and whose tenure of the endowments they hold is restricted by special contingencies; such as, for example—remaining unmarried; taking Holy Orders in the Church of England; or not obtaining high preferment.

3. Heads of Colleges,—each of whom presides over the society with which he is connected, and who generally enjoys a sufficient share of the annual income of the College to render him independent. The Masters of Colleges are allowed to marry, and they possess separate residences within the College precincts.

Students, who are not on the Foundation, form an important additional class in nearly every College of Oxford and Cambridge. College tutors are appointed from among the Fellows, to give lectures to the undergraduates; and their pupils comprise both the students who are on the Foundation, and those who are not in the receipt of any emolument from the College. Many of the private tutors at the ancient English Universities are Fellows of Colleges, and the experience gained by them in tuition forms a valuable training for the office of a schoolmaster, to which College Fellows frequently aspire.

Under the new University Constitutions of 1854 and 1856, Fellows of Colleges possess a large share of influence in the University, as the council or governing body is elected by the resident Masters of Arts and other higher graduates; and a considerable proportion of these resident graduates are College Fellows. Vacant offices, either in the Colleges or the University, are also usually supplied from the class of Fellows; so that varied acquirements ought to be possessed by the Fellows, in order to prepare them for Professorships in different branches of knowledge.

The College Foundation system at Oxford and Cambridge has lo for centuries closely allied with the plans of public schools in Engla Boys educated at public schools are frequently intended by th parents for one or other of the learned professions; they follow a course of study which is expected to lead to success in obtaini Scholarships and Fellowships at the Universities; the master of th school where they are educated takes a pride in the preparation pupils for the competitive examinations of Oxford and Cambrid he has been brought up in the ancient academical system, and wh he resigns his office, perhaps he may be succeeded by one of his o scholars, to whom he had early imparted a knowledge of the Lat and Greek languages, and who continues, without material chang the same routine.

In nearly all the Colleges of the two ancient English Universiti the governing bodies of the Colleges are accustomed to select fr among the candidates for vacant Fellowships, such Bachelors of Ar as have attained eminent places in the principal honour lists of eac University respectively.

Thus, of nine Fellows elected at St. John's College, Cambridge 1862, five were high Wranglers, and four distinguished in the fir class of the Classical Tripos. One of these recently elected Fellows had been first in the first class of Classical Honours, and Senior Medall in 1861; two had been eighth, and one fifteenth in the first class Classical Honours in different years. Of the mathematicians, o gentleman had been Third Wrangler; two others had been Fifth an Sixth Wranglers; one had been Seventh Wrangler in 1860; an another, Seventh Wrangler in 1861.

At Oxford, five days are given to the class examination in Classic papers are set in Greek History, Roman History, Logic, and Mor and Political Philosophy. In the department of Greek Philosoph Aristotle's Ethics and Politics, and Plato's Republic, are the most im portant works to be studied. It is also essential to read Butler's Analo Butler's Sermons on Human Nature, and a paper on General Philosoph form a part of the examination; which also comprises questions o Bacon's Novum Organon, and on the History of Ancient and Mode Philosophy. Divinity subjects, for members of the Church of England include the four Gospels and the Acts of the Apostles in Greek; Sacre History; the subjects of the books of the Old and New Testaments the Evidences of Christianity; and the Thirty-nine Articles wi Scripture proofs. One or more of the Apostolical Epistles, in Gree and Ecclesiastical History, may be added. The *vivâ voce* examinatio at Oxford, extends over Divinity, as well as other subjects. In Compo sition, a piece of difficult English is set, to be turned into Latin pro and another piece of difficult English, to be turned into Greek prose.

Eight books are expected to be taken up at Oxford for a class; th works of Herodotus and Thucydides are invariably required, as wa as the first Decade of Livy, and either the Annals or the Histories o Tacitus; Aristotle's Ethics, and Butler's Sermons; and Aristotle' Politics, and Plato's Republic, would complete the series. Professo Rogers, in his work on Oxford Education, remarks, that the examina

tion for College Fellowships is at the discretion of the electors; but it naturally flows in the same channel with that which the University prescribes in the Honour Schools; so that the previous status of the examinee in those schools is ordinarily a great guide to the Head and Fellows of a College for electing to Fellowships.

There is a prejudice in favour of candidates who have stood well in Honour examinations; and the public examiners are regarded as far better judges of individual and relative proficiency than any elective body in Oxford.

Trinity College, Cambridge, has a second examination for its Fellowships. In 1861, the following series of papers was set:—

September 30: Greek passages to be translated into English, from Plato, Lysias, Theophrastus, and Polybius. Also, from Homer, Euripides, Apollonius of Rhodes, and the Anthologia Græca.

October 1: Latin passages, to be translated from Cicero, Livy, Plautus, and Propertius.

October 2: Mathematics in the morning; and, in the afternoon, a passage in English, from Lord Macaulay, to be rendered into Latin prose.

October 3: In the morning, Logic and Moral Philosophy; and, in the afternoon, High Mathematics.

October 4: In the morning, a passage of Latin was set to be translated into Greek prose, and English tragic verses to be rendered into Greek Iambics. In the afternoon, Greek extracts and Greek questions were given, with questions on the Latin language, and in Roman History and Literature.

After a candidate has successfully passed this difficult examination, and has been elected by the College authorities into the class of Fellows, the Act of Uniformity of 1662 compels him to subscribe a Declaration of Conformity to the Liturgy of the Church of England as by law established; and, in the recent revision of the statutes of St. John's College, under the authority of the Cambridge University Commissioners, a novel clause has been inserted into the Johnian ordinances, limiting the Fellowships of that College to members of the Church of England. Similar restrictions seldom occur in local College statutes. Exeter College, Oxford, however, now limits both its Scholarships and Fellowships either to members of the Church of England, or to candidates who are members of some church in communion with the Church of England; thereby referring, probably, to the Episcopalian Church of Scotland, and to the Protestant Episcopalian Church of the United States of America.

In the University of Cambridge, the Senior Wranglers, in three successive years, 1860, 1861, and 1862, have not been members, either of the Church of England, or of any church in communion with the Anglican establishment. Twice, in 1860 and 1861, the Fellowship examination at Trinity College, Cambridge, has been open to the Senior Wranglers of those years; and in both cases, conscientious scruples with respect to the Act of Uniformity test of Liturgical Conformity have prevented these distinguished Bachelors of Arts from becoming candidates for Fellowships in their own College.

It is the ordinary custom in each of the Colleges of Oxford and Cambridge to hold only one election of Fellows in every year, so that if conscientious scruples led to a Fellowship being vacated as soon as a candidate had been elected to it, a whole year would elapse before the Fellowship could be again filled up. So seriously is the academical law regarded by many Cambridge Fellows of Colleges, from the best motives, the year not having been chosen into the class of Fellows, that a petition with the names of seventy Fellows of Colleges, has been prepared at Cambridge, requesting Parliament to repeal the provisions of the Act of Uniformity of 1662, which require all persons, before admission to a Fellowship, to subscribe a declaration of conformity to the Liturgy of the Church of England; such provisions being, in the opinion of the petitioners, injurious to the interests of the University.

Fellowships vary in value in different Colleges; and as tithe property is often held by collegiate corporations, the monetary value of a Fellowship may fluctuate from one year to another. According to the report of the Cambridge University Commission (1850—2), the gross income of the seventeen colleges of Cambridge cannot be estimated at less than £185,000 per annum. The Oxford University Royal Commission reported in 1852, that the Colleges of Oxford do not receive much less from their endowments than £150,000 per annum.

A College Fellowship, either at Oxford or Cambridge, may be regarded as, on an average, worth about £200 a-year; the average tenure of a Fellowship may be estimated at about ten years; sometimes marriage, or promotion, creates a vacancy, and cases occur of a life-long tenure of a Fellowship; but, in general, a College, as a place of education, derives benefit from a rapid succession of vacancies in Fellowships; new students being thus attracted to the College from the hope of becoming candidates for these substantial rewards of academic study.

Professor Rogers, in his work on Oxford Education, calculates that there are about 350 Fellowships in the different Colleges of the University. If ten years should be the average tenure of each Fellowship, there would be, every year, about thirty-five Fellowships vacant in Oxford, a large majority of which would be conferred almost exclusively for high attainments in the Greek and Latin languages. The holders of these freehold pensions are generally young men of twenty-two to twenty-five years old: the annual value of each Fellowship may be about £200; no duties are attached to the emoluments and no subsequent obligations, except celibacy and conformity to the liturgy of the Church of England.

In 1857, an influential memorial of Cambridge graduates was presented to the Cambridge University Commission, soliciting their earnest consideration of the restrictions on marriage to which the tenure of College Fellowships is subject. The memorialists, 371 in number, considered that the abolition of the restriction of celibacy would raise the moral tone of feeling which pervades the body of teachers, and would assist in retaining some of the most able and qualified men to conduct the work of education at Cambridge.

A permanent authority would be desirable to superintend the

arrangements of the ancient Colleges and Universities of Oxford and Cambridge, and to lend its powerful aid in obtaining parliamentary support to needful changes in the academic constitutions. The Lord President of the Privy Council, as the President of the Committee of Council of Education, possesses large powers of inspecting elementary schools, and it has been recommended by the Education Commission of 1861, that all endowed schools, whether middle or elementary, should be annually visited and examined by the Privy Council Inspectors. The great public schools of England are subject, at the present time, to the visitation of the Royal Commission of Inquiry; and a more complete investigation of the Oxford and Cambridge College Fellowship system would very likely lead to considerable improvement.

The Professional Training and Certification of Middle Class Teachers. By the Rev. G. A. Jacob, D.D.

The term "*Middle* Class Schools" or "*Middle* Class Teachers," is sometimes objected to. But although in this, as in many other similar definitions, it is easy to show that it is not in all cases very accurate or precise—yet for ordinary purposes it is sufficiently correct and intelligible; and is, indeed, in some respects, more correct than the name of *Private* schools or teachers, which is sometimes substituted for it.

Middle class schools are, generally speaking, marked off from those which may be considered to be above and below them, by certain obvious properties or accidents, to which it is necessary to advert, in order to understand the position and circumstances, and so the wants and requirements, of our middle class.

For, in the first place, the schools above the middle class, whether old foundation Grammar schools, or more modern structures with a proprietary or collegiate name, or what may justly be termed private Grammar schools, all agree in this, that their head-masters, and many others of those who teach in them, are men of a University education—examined men—men who previously to their appointment to the posts which they hold, have given proof of their possessing, if not a special aptness to teach, at any rate a certain amount of valuable knowledge. And besides this, since they all more or less prepare their pupils for a University career, or for situations in which they must pass a difficult and impartial examination, there is a necessity laid upon them of attaining and keeping up to a certain standard of proficiency. And thus, from both these causes, such schools hold out to the community at large at least some pledge and guarantee of their efficiency, and the real *bonâ fide* nature of the work which they are doing.

On the other hand, a large number of schools which rank below the middle class, and which are, for the most part, comprised under the name of National schools, are distinguished from those above them, not so much by their subjects of instruction, or the rank and position

of their scholars, as by the important fact of their connexion with public grants of money, and the public examination and supervision to which such grants are accompanied. It does not fall within the scope of the present paper to dwell upon the important revolution produced in our National schools during the last 23 years, since the appointment of the Board of Education in 1839, and the Parliamentary grant of £30,000 in that year—now augmented to £800,000. Nor does it belong to me to express any opinion on the merits or demerits of the Revised Code, so lately the occasion of so much excitement and contention. It is sufficient for my present purpose to remark that our National schoolmasters and teachers who are connected with the Privy Council system, being men who have been specially trained to teachers, and have passed examinations and received certificates, have thereby acquired a valuable title to public confidence; while the periodical examination of the schools keeps up their interest in their work, tends to prevent any wilful neglect of duty, and stops the formation of apathy and stagnation, to which unexamined schools are sometimes liable.

Thus at both extremes of our educational system some tangible securities are found for the efficient discharge of the instructors' duties; and making due allowance for the necessary imperfection of all such arrangements in their actual operation, and the unavoidable effects of disturbing causes, the right men are often found in the right place, and a real work is accomplished.

But our middle schools differ essentially in their position and circumstances from those which are above and below them. And I would call your attention to this peculiarity in their character, because without bearing this in mind, we cannot take a sound view of their wants and difficulties, or form an intelligent opinion as to what is requisite for their improvement and increased efficiency.

The masters and teachers of middle schools are not required to be, and for the most part are not, men who have passed through any University course—there is no necessity for them to be examined at all, and their schools are under no obligation either of law or of custom to be examined at all, much less to have their efficiency tested by impartial and independent examiners. They seldom prepare pupils for a University career, nor are they obliged to aim at any other high or respectable standard of proficiency in their tuition. And further as schools of this class do not partake of the Government grant, they are not supplied with certificated teachers like the National schools, nor do they come under the influence of Government inspection, or receive any stimulus from the hopes or fears by which schools of the rank below them are affected. Hence, while there always have been in some of these schools, instructors of excellent attainments, high character, and considerable educational power—men fit for their work and loving it, and conscientiously and successfully discharging their honourable duties—yet there is necessarily an ample scope for incompetency, negligence, and delusion to reign and triumph undetected, or at least unshamed. The master of a middle school may be profoundly ignorant of what he professes to teach, and yet enjoy a certain reputation; he may have

adopted the scholastic profession for no better reason than that he was unfit for any other, and yet obtain a considerable measure of pecuniary success; he may be a man who, by a taking address, a voluble tongue, and a plausible demeanour, supplies the place of all the moral and intellectual requisites for a trustworthy instructor; or he may have a genius for the composition and publication of imposing and pretentious advertisements, which deceive the unwary, and yet his real character remain undiscovered. All this, and more, and worse than this, may and does find room, opportunity, and license in the sphere of our middle class schools. There is nothing to hinder any man whatever, without the slightest regard to his fitness or capacity, from undertaking the task and office of a schoolmaster; and nothing to prevent parents from being deceived, and boys from being victimised, if he has the art or impudence requisite for making a favourable impression upon those whom he wishes to delude. Good men and true, meanwhile, are discouraged, and the sacred cause of education suffers serious harm.

If we look back for some fifteen or sixteen years only from the present time, the remarks just made will admit of an unqualified application. Not only then as now was there no legal or other impediment to keep out unfit men from the profession of the schoolmaster; but at that time nothing had been done—which has since been done, with at least some little success—to distinguish between the competent and incompetent instructor, to encourage able and worthy teachers, and to afford a trustworthy standard and test of merit accessible to the middle schools. At that time, if a teacher's means, position, or studies precluded him from a University degree on the one hand, while on the other he did not come within the circle of the National schools' training and certificates, there were no means by which his just claims upon the public confidence could be substantiated, or by which his vain pretensions could be discovered and exposed. However ready to pass an examination, there was no accredited body to examine him; however well taught his school might be, there was no way of making this evident by well-informed and independent testimony. And besides this, if a master, himself well-instructed and apt to teach, wanted good and trusty assistant masters to carry on the work with him, he had only very imperfect means, if any means at all, for ascertaining the real merits of those who offered themselves for his acceptance. The condition of assistant masters and subordinate teachers in middle schools, even now in many respects unsatisfactory, was then still worse than now. As a class often but little educated themselves—sometimes marvellously ignorant of what they undertook to teach—badly paid, and sometimes badly treated, by those who employed them—with little time or opportunity for improvement—they often fell into low habits of mind and life; while the more worthy members of the body had no ready means open to them for proving their superiority, and thus bettering their own condition, and raising the general reputation of their class.

In making these remarks on the condition of middle schools, let me not be supposed to deny that there were to be found in so widely

extended a body many worthy and excellent men, as principals and assistant teachers. Yet the evils alluded to were too general not to be very apparent to those who could and would observe and know them. Nor were these evils the only defects which called for remedy. In schools of this class, more especially in the lower portions of it, there was, and is still, much defective and erroneous teaching, even where the instructor's duties are conscientiously performed. When worthy men, not highly educated, and of no extraordinary genius or talent, such as a large portion of our middle class teachers must necessarily be, are left to do their work as best they may, unaided, unadvised, and uncorrected by those who are capable of giving the kind help, good advice, and wholesome direction, it cannot but result that, with the most honest efforts, there will be great deficiencies in the substance and method of their tuition. A well-informed and intelligent witness two years ago wrote deliberately as follows respecting these schools:—"I have been at some pains, from time to time, to gather information regarding the schools I allude to, and the result of my inquiries has forced on me the conviction, that, in matters of discipline, morals, and study, their condition is alarmingly low; and yet I do not doubt but that in very many instances their masters are anxious to make their schools efficient." But even so short a time ago as sixteen or seventeen years, there was no source from whence such schools could obtain direction, advice, or aid, if they had desired and sought them.

Such being the case, what was to be done? It is evident that there was great need for reform and improvement in the condition of this large portion of our scholastic work. But what was to be done and who was to do it? The Privy Council had undertaken to stimulate and inspect the National schools; and schools of the higher class had their own supplies of men and incitements to action. But from whence was any extensive improvement or reform in our middle schools to arise? Those from without who might have originated a movement of this kind were often more inclined to despise and sneer at middle schools and teachers, than to aid them—more inclined to laugh at them as varieties of the caricatured monstrosities satirized by Dickens and other popular writers, than to bestow any thought or labour upon plans for their amelioration. And a movement for reform *from within* is, in any case, the less to be expected, the more it is needed. Yet to the honour of its authors be it said, the first decided effort for the improvement of middle class tuition originated with the masters of middle or private schools.

In the year 1846 the College of Preceptors was founded, and three years later obtained a Royal Charter of incorporation for the express "purpose of promoting sound learning, and of advancing the interests of education, more especially among the middle classes, by affording facilities to the teacher for the acquiring of a sound knowledge of his profession, and by providing for the periodical session of a competent Board of Examiners to ascertain and give certificates of the acquirements and fitness for their office of persons engaged, or desiring to be engaged, in the education of youth." The affairs of this Institution

thus incorporated, are "managed and directed by a council of 48 members, with a president, vice-presidents, a dean, treasurer, and secretary." The council having authority given it by the Charter "to nominate Examiners; to appoint the times, manners, and subjects of examination; to grant diplomas and certificates; and generally to make all such bye-laws for the furtherance of the aforesaid objects thereof, as to them shall seem fit."

This college, during the sixteen years of its existence, has passed through a variety of fortunes, with some failures and some successes; and is now quietly but effectively doing its work, as far as its means extend and opportunities are opened to it. The president is Dr. Kennedy, the head-master of Shrewsbury school; and the council consists of the head-masters of some of our best Grammar schools, together with middle or private schoolmasters of note and experience. The attention of the college was first directed to the examination of teachers, and between 300 and 400 have passed in different subjects, and have obtained certificates or diplomas. The number of those who have presented themselves for examination and failed to satisfy the Examiners has not been recorded. This very important and fundamental work is, however, still in its infancy. There is still, from various causes, much difficulty in inducing teachers to present themselves to the test of the College examinations; while some of those who do come forward show plainly how much such examinations are needed, and how much young men stand in need of help, incitement, and direction, in preparing themselves for the honourable task of tuition.

In the year 1850 the council first considered the advisability of examining *schools*, as well as teachers, and this most valuable test of school-work, and of a teacher's practical skill and power, began to be applied in the following year to schools in connexion with the college. Various methods of conducting such examinations have been tried and much valuable experience has been gained in the course of the last ten years; and most encouraging results have followed these examinations. At first many masters feared to trust their pupils to such an ordeal as that which the college applies; but a growing sense of the advantage of such a test both to teachers and pupils, and a growing confidence in the ability and fairness of the college examinations has now for some time caused an increase, year by year, in the numbers of the examined pupils; 650 having just now presented themselves for the summer examination of this year.

While the College of Preceptors was thus engaged in its quiet and unobtrusive work, and endeavouring to raise the schools which came within its influence to a higher educational standard, the University of Oxford, incited principally by the exertions of two energetic men (Mr. Acland and Dr. Temple), came forward into the field, and organized a plan for examining and certificating young candidates who had no connexion with the University. The first Oxford examination was held in the summer of 1858, and the example of Oxford was soon followed by Cambridge, and subsequently by Durham. As these examinations are to be specially considered in another paper, I need but slightly allude to them in their connexion with the present subject.

With the talents, learning, energy, and influence which our Univers can command when they take up such a work, it was to be expe that no inconsiderable success would attend this movement: and the examinations have been successful. They have undoubtedly done go But that they have done the good which was at first expected b them is not so certain. One reason of which is, that the origina conductors, and supporters of these examinations seem to have h no clear and definite idea of what they intended or wished to do. first, these examinations were called "*middle class* examinations"— name sufficiently indicative of a definite object; and if this object h been kept steadily in view, though some persons might still h thought that this was not exactly the work for our Universities to d yet, doubtless, the work might have been, to a great extent, well a admirably done. But after a time it began to appear that mid class schools were not really the special object of this movement. T name of middle class examinations has been repudiated, and in so quarters regarded as a reproach. The term "non-gremial" w recommended as a substitute; but the last change has been to c them "local examinations"—a name sufficiently comprehensive a vague to include schools of all kinds, and therefore, it would se preferred. Nor is it in names alone that the want of a clear a definite purpose has been betrayed; for some time ago, it was intimat that unless the grammar schools would co-operate in this movem and send their scholars to be examined, a failure in the scheme w likely to ensue. Thus the class of schools which most needs help a guidance, appears now to be but lightly thought of, and to be i danger of being thrust aside. Really to benefit to any extent th numerous independent and important middle class schools of th country, requires more singleness of aim, more experience—only to b acquired, perhaps, by many trials and many failures—and more acti co-operation of middle class teachers themselves in the work that i to be done.

While speaking of these examinations, I will just allude, in passing to the examinations which have of late years been held in variou departments under the Civil Service Commissioners; for by the indirect influence of these also, our middle class schools have been *partially*, though not *exclusively*, affected.

And now, after this brief sketch of what has been done or attempted for middle class schools, allow me, in the first place, to notice what has been actually accomplished in the way of the professional training and certification of middle class teachers; and, in the second place, to offer a few suggestions as to what remains and is desirable to be done for promoting this object.

The College of Preceptors is specially authorised to provide—and by its arrangements it does well and satisfactorily provide—for the examination and certification of such teachers, if they will come examined. It has had some little success in this work, though r very much—very much indeed, remains still to be done. But in th professional training of teachers nothing has as yet been accom One of the express objects of the College of Preceptors is "to

their work, nor by mere neglect and indolence, but much more by the want of time, the want of money, the want of necessary help and instruction in their studies. Men of this class have sometimes received a defective education in their boyhood—they are not generally men of abundant pecuniary resources—they are often engaged in other work which occupies all their time or barely leaves a scanty hour sufficient for necessary recreation—and they have still more often no one within their reach to direct their studies, explain difficulties, or in any way help them. In examining worthy men of this class, I have often grieved for, and sympathised with them, on observing evident traces of hard work and industry, but so badly directed, and so much in need of instruction, as to end only in incompetency and disappointment. And when to all this is added the fact that situations can be obtained, and sometimes pecuniary success achieved, without any qualifications at all, and without possessing any proof of ability to teach, it is evident that a problem is presented to us of no very easy solution. For the very facts and circumstances which show that such men need a course of preparation and training, show also the difficulty of bringing a course of preparation and training within their reach and inducing them to avail themselves of it. If there were institutions open now for the training of such teachers, how could men occupied all day in school-work come to be taught themselves?—and could it be expected that men of small means would incur the expense of a course of training when they can obtain situations now without any training or certification at all?

I must confess that I am not prepared with any present solution of this difficulty. It is desirable that the attention of practical and experienced men should be turned to this question; but I believe that no great advance will be made in the training of middle class teachers until the necessity for this has been forced more strongly upon the convictions, not only of those who seek engagements as teachers, but also of those who engage them. And this will hardly be the case to any great extent, until a legislative act shall have rendered it necessary for teachers to obtain a certificate of competency from some authorised body. It is an opinion which is gaining ground that "a Scholastic Registration Act," analogous in its provisions to the Medical Registration Act, would be productive of great advantage.

The exertions of Mr. Barrow Rule and others, who have devoted much time and energy to this subject, have not been without their fruits. And a circular lately addressed by the Council of the College of Preceptors to a large number of schoolmasters throughout the kingdom, has elicited replies which intimate that such a measure would be well supported by the general body of teachers. In some places also, local associations have been formed for the purpose of promoting this object. And if such an act were passed, there would certainly follow in due course of time, a gradual elimination of the most incompetent teachers—efforts, which are now not attempted, for improving the qualifications and status of middle class teachers, means and appliances by which the teacher might be taught and trained, which do not now exist, and would not now be much used

they existed, because men think they can, some how or other, scramble on without them; and generally more energy and a more healthy tone pervading the scholastic body. Our middle class schools and teachers would especially be benefited by such a measure.

That such expectations are no mere fond imagination, is proved by the actual results of the Government system in National schools; and the analogous success which has attended the working of the Medical Registration Act, and its effects on the medical profession.

The first thing, therefore, which I would suggest is, the obtaining of such an act for the profession of the teacher.

In the next place, I consider it most desirable that middle class schools and teachers should have a recognised board or body for themselves, consisting principally, but not exclusively, of members taken from their ranks—to examine teachers and pupils—to be the adviser, director, standard, and mouth-piece of this branch of the profession, as occasion may require. Our Universities do this in some degree for schools of the higher class; and let them continue and extend their examinations of middle class schools, if they will make that a definite object of their plans, and pursue it in the right way; but they are not fitted for standing in the position which I am now considering. The Government Board of Education and Government Inspectors, which direct the National schools, are not wanted, and would not do, in this case. Our middle class schools and teachers must be self-dependent, and must have a duly authorised body of their own.

If no such body existed, I would urge the immediate formation of one; but in the College of Preceptors, such a body is already found to our hands, well tried and tested by adversity and prosperity, by failures and successes, with a machinery capable of being used to any extent, and for all the purposes that this part of the profession can require.

This college, if countenanced by the adhesion of the masters of our leading Grammar schools, and duly supported by the general co-operation of the middle class schoolmasters—with an experienced and intelligent council, and a learned Board of Examiners—and with local boards or centres in the provinces affiliated to, and acting in unison with, the London parent, will be found most advantageous to the profession at large, and will furnish a most unexceptional authority for the examination and certification of teachers and of schools.

APPENDIX.

[*Circular referred to at page* 242.]

COLLEGE OF PRECEPTORS, 42, QUEEN SQUARE,
LONDON, W.C., *March*, 1862.

SIR,

The Council of the College of Preceptors desires to invite your attention to a recently originated movement, the success of which depends entirely on the co-operation of the great body of Teachers.

The Report of the Royal Commission on Education shows that an urgent necessity exists

profession by legislative action. It is the opinion of many persons who have to the subject, that a Scholastic Registration Act, analogous in its provisi Registration Act, would be productive of great advantages to the Profession, to be a reasonable probability that such a measure might be so framed as to concurrence and support of Teachers, and the assent of the Government and

The following brief outline of the principal provisions of the Medical will show in what manner that measure is operating for the advantage of practitioners, and for the discouragement of the incompetent.

That Act, which received the Royal Assent on the 2nd of August, 1 "General Medical Council," consisting of representatives of the various Medical Corporations of the United Kingdom, with six members nominat branch Councils for England, Scotland, and Ireland respectively, are als Medical Practitioners possessed of certain specified qualifications are decla to registration on payment of the fees; and since the 1st of January, 1859, so registered can by legal process recover professional charges of any k public medical appointment. Persons falsely pretending to be registered on summary conviction, to a penalty of £20; while Medical Practitio felony or misdemeanour, or guilty of infamous conduct in any professiona struck out of the Register by direction of the Medical Council. The Ge the power of requiring from the various bodies, which are authorised to co all necessary information respecting the courses of study and the examinati such bodies: and to represent to the Privy Council what it may conside The Privy Council has the right, in such cases, to prohibit the registration qualifications are derived from the bodies in question, until their regulatio

From this summary, it is obvious that the object of the Act is simply t petent men from the practice of Medicine, and to enable the public to dis from unqualified practitioners.

The success which has attended the working of the Act is highly e Register has been repeatedly appealed to in the Courts of Law; unr unqualified, persons are beginning to discover that they run a great ri emoluments, and that, consequently, it is expedient for them to adopt so obtaining an income; the system of Medical education is being gradual Medical Profession has now a better defined legal and social position tha establishment of voluntary Associations for the purpose of watching the w and of carrying out its provisions, has created a more friendly feeling am of the Profession, which is now a homogeneous body, having a Preside represent it, and to communicate with and act upon the Government in ever affects its interests and privileges.

These great advantages have not been secured by the Medical Profess and long-continued effort and considerable expense; nor could they ever h had not the various Medical Corporations and Associations combined t attention of the Legislature, with all the influence that they could comma for the measure above described. A similar course must be pursued b classes and denominations, if they really desire to eradicate the evils to wh is at present subject.

As a first step towards this object, it is necessary to ascertain the opinions

partiality towards any particular College, Society, or system of Education; while Teachers would be as free and independent in the management of their Schools, and in their methods of teaching, as at present. Qualified Educators would be registered irrespectively of their religious opinions or denominations, the only conditions being competency to instruct and good moral character.

The Council of the College of Preceptors being desirous of learning the views of the Profession on this most important question, and whether it would favour the formation of a General Committee, for the purpose of bringing it before the Public, the Government, and the Legislature, will be glad to receive a communication from you in reply to this Circular, at your earliest convenience.

On behalf of the Council,

B. H. KENNEDY, D.D., *President of the Council.*
G. A. JACOB, D.D., *Dean.*
JOHN ROBSON, B.A., *Secretary.*

University Examinations and Certificates for Middle Class Schoolmasters. By Ernest Noel.

The Commissioners appointed by Her Majesty to inquire into the state of popular education in England, suggested in their Report, that the Universities of Oxford, Cambridge, and London, "might with advantage institute Boards of Examiners, to grant certificates to masters for middle and even elementary schools." The object of this paper is to consider this suggestion, and point out some of the advantages likely to arise from its adoption.

The end aimed at is to provide, not an education for, but a *proof* of, education *in* masters and assistant-teachers of middle-class schools; in other words, to give to such persons certificates of competency for the profession they have undertaken. Objection has been made to the term middle class schools and schoolmasters. I will, therefore, explain the term in the sense in which I wish it to be understood. By "middle class," I mean those schools where the masters are neither graduates of any university, nor, on the other hand, are such as have obtained Government certificates as teachers in elementary schools.

It is proposed, therefore, that the Universities of Oxford, Cambridge, and London, should hold examinations for schoolmasters at the same times and places when they hold what are termed middle-class examinations for boys. Certificates should be granted to those passing the examinations, stating in which class they had passed. I do not intend to enter into any details, as I think the examining bodies themselves can alone decide the best method of adopting the scheme; I will only indicate the main objects to be secured. It is to provide the public with a body of teachers who shall be thoroughly acquainted with those branches of knowledge which they profess to teach, and possess a certain proficiency in the art of teaching. The certificates should vary according to the nature of the examinations; the highest requiring a fair knowledge of classics and mathematics, whilst a second might be suited to the mere English teacher, a person both rare and valuable, as many heads of large private schools will bear witness. One such master, a man of large experience, writing to me,

and composition, history, geography, arithmetic, algebra, an
some branch of physical science or natural history. A third
might be granted for an acquaintance with the best method
ing. Any candidate having attained one or more certifica
within a limited period be permitted to compete for the h
more honourable ones.

I think it will generally be admitted that the educatio
middle class schools is not such as the country could de
have no right, indeed, to under-rate what private ente
already accomplished, and it is only fair to acknowledge th
of admitted defects in our system, Englishmen are, on the
well instructed as any foreign nation; in fact, that they
better education for all the practical work of life. Very s
guage has been used concerning the masters of our middle cla
many of them have been described as "bankrupt publicans,
railway clerks, and tailors who could not find sufficient e
in their profession." This is doubtless true in some cases
should imagine they are sufficiently rare exceptions. Th
system cannot be said to have failed, and we should the
rather to strengthen and amend it, than attempt to
sweeping changes, which the public are neither prepared n
to receive. Any remedy for existing evils should be sou
improvements which will be consistent with, and supplem
present arrangements.

Whether any special institution for the training of m
schoolmasters is either advisable or possible, does not fall
scope of this paper to discuss; it may however be stated, th
posed certificates can in no way interfere with such a scheme;
an institution of that kind would have to overcome a large
practical difficulties, this plan would avail itself of machine
in existence, and would be only the further application of
admitted by all, and which has already in other employme
successful.

The proposal seems to me to be strongly recommend

kingdom, no master need be precluded from availing himself of the advantage of these examinations on account of the expense, which would inevitably be a most formidable objection if they were held at some institution located in a particular district.

3. Masters at present engaged in teaching, but who have many hours every day at their disposal, and not unfrequently the whole of the Saturday, would have abundant opportunity of preparing for the examinations; and these would doubtless be a great incentive and encouragement to self-culture, so that many who are now inefficient and incapable teachers, might become well-instructed and useful men.

4. Such certificated masters would, in most cases, secure to their scholars a fair education, embracing a thorough grounding in English and composition, history, geography, and elementary mathematics; and, in somewhat higher schools, a knowledge of Latin or French, mechanics, and a slight acquaintance with political economy and natural science. It is only reasonable to suppose that parents would prefer to send their children to schools when, other things being equal, the master was known to have obtained a certificate at a university examination, and in time such certificated masters would secure the control of the lower middle class education; not that any monopoly would be created, except indeed the monopoly that superior acquirements, and an improved system of education, has a right to obtain, which is equally an encouragement to honest effort, and an important advantage to the whole community. Education would still be entirely free, and the schoolmaster's profession would be as now open to all; but the public would become more rigorous in their demands, and a higher class of education would be the result.

5. These certificates would be invaluable to the head master in large private schools. At the present time he has to engage his under-masters on their own simple statement of their acquirements; or, if he desires to satisfy himself of their ability to undertake the office, he has to subject them to a private examination, which is always most difficult to conduct, and sometimes altogether impracticable.

They would be no less a boon to young men seeking such employment, as it would afford them credentials, equally valuable in their rank, to the honours lists at Cambridge or London. University men are not suited for the class of school the improvement of which is mainly sought by these examinations, any more than a penknife or razor, no matter of how fine a temper, would be suitable for cutting down timber. It is a prime requisite that a teacher should be adapted to the scholars to be taught, and these proposed examinations might easily be so planned as to encourage and call forth that kind of knowledge which is most needed.

6. This plan would obviate many of the difficulties attending any training institution under Government patronage, or supported or assisted by public money; not only, as I have mentioned before, that the class from which such masters are usually drawn cannot afford either the time or money for such special training away from home,

but that there is amongst the great majority of those whose children they would have to instruct, a rooted dislike to what is called centralization, and perhaps an unreasonable, but nevertheless a watchful, jealousy of Government interference. Whilst it would obviate these and kindred objections, it might be supposed to fail in securing that training and discipline in the *art of teaching* which is regarded by many as a first necessity. To this it may be replied, that no training college could give more than professorial teaching; practising or model schools could hardly be possible even amongst the lower middle, much less the upper middle class; and, if examination papers were carefully prepared on the theory and practice of teaching, books and experience could supply most of the requisite information. As to the objection, that such certificates must be but an imperfect indication of the teaching power of its holders, we may answer in the words of Her Majesty's Commissioners, "that this is a defect incident to every attempt to test the practical skill of a candidate, by inquiries into his knowledge of the sciences on which his art depends, or the rules by which it is directed."

7. The principle advocated in this paper has already been adopted in various professions, and there is a growing desire in this country that all persons into whose hands we in any way place the care of our health or property, should in some way be pronounced by competent authority to be capable of undertaking the office they aspire to; and it is strange that the education of tens of thousands of children should be the only employment for which no guarantee of fitness or capacity is required from the persons offering to undertake the work.

In Scotland there is an examining body, composed of professors of the Edinburgh University, who meet four times a-year to examine nominees to the parochial and burgh schools. These schoolmasters are first elected, and then have to pass an examination to determine their fitness for the particular schools to which they have been nominated. The examination is conducted both orally and in writing; and amongst the subjects required of *all* nominees, are the principles and practice of teaching.

The examinations proposed in this paper would have the same object in view, and could be conducted much in the same manner, with variation in the subjects, according to the nature of the certificate.

The veterinary surgeons have adopted voluntary examinations, and I believe, as a body, they are extremely jealous of those persons whom they denominate quacks, who are practising their art without having obtained a diploma from London or Edinburgh; and, so strong is the feeling against these uncertificated practitioners, that an attempt has been made to induce parliament to interfere. Notwithstanding the purely voluntary nature of these diplomas (any person being permitted by law to practise as a veterinary doctor), out of the two thousand persons who are estimated to follow this profession, no less than one thousand four hundred and fifty are members of the Royal College of Veterinary Surgeons.

The chemists might also be mentioned as in large numbers passing a voluntary examination; and of late years the same step has been taken by the majority of the leading dentists. If in these professions such a course was seen to be necessary to ensure an educated class in those various employments, how much more imperative must it be for those whose business of life is to instruct the children of that class who are the real strength of England, and who are growing daily in political importance?

Any system, to be successful, must secure the four following provisions:—

1. There must be that authority and position in the examining body which will guarantee the value of the certificates.
2. Such economy in the mode of conducting the examinations as to enable masters, and young men of small means, to avail themselves of them.
3. The places of examination must be distributed over the country; and,
4. There must be no Government interference.

The proposed scheme fulfils all these conditions; and, as stated in the Report of the Education Commission—"These certificates would be trusted by the public; and such a connexion with the Universities would, besides the direct security afforded for competency and good character, contribute in some degree to elevate the calling of a schoolmaster, and inspire those who pursue it with a sentiment of professional honour."

In conclusion, I would draw attention to the important consideration, that, should the Universities see fit to adopt this proposal, and institute examinations and grant certificates, they would not be *pledged* in any way; it would be purely an independent effort on their part to promote education, and an inexpensive experiment which, should it fail, could bring neither disgrace nor loss upon these bodies; and, should it succeed, would confer the most lasting and important benefits on the country.

PUBLIC ELEMENTARY EDUCATION.

The Educational Grant; and What should Regulate it. By the REV. DAVID MELVILLE.

IN fairly estimating any direct plan for popular education, it should always be remembered that it is at best a necessity, not a choice; a condition which we must, because we cannot help it, undergo—not one we would voluntarily adopt if we could help it; the remedy or the prevention of defects or evils, not the obvious and natural way of pursuing a good and healthy end. The result of not bearing this in

mind, is not only to involve a confusion between end and means, but also to beget an undue estimate of any particular plan or method which may have found general acceptance; whereas a constant remembrance of this fact, would incline us to expect change in proportion as means adopted were or were not working the desired end according, that is, as the evils or defects which necessitated such method were held to be cured or not by the means which were conceived to be their remedies. Whether the cure were or were not worked, change would equally be looked for. If the cure were not worked because the process had failed as a remedy; if it were because the freer, healthier play of a system should always be adopted, as soon as such cure may reasonably be presumed.

Now, if we can lay down at all surely the conditions or essentials of a sound educational system, naturally working, we shall get a rule or pattern whereby to measure any artificial methods which pretend to be productive of the same result.

Assuming that we all understand, and should be agreed about the end which education would seek to attain, these three conditions would seem essential for the successful issue of its spontaneous process:—

1. A sense of the value of its work in those for whom it works, which answers to the demand of political economy, and affects the quantity chiefly of the supply.
2. An intelligence equal to testing the work produced, in answer to that sense of value or demand, which affects mainly the quality of the supply.
3. Such circumstances or condition of life as shall allow the two first their full and satisfactory experiment; *i.e.*, give to demand its full adequate expression, and to supply its full adequate return.

If these exist, all the natural requirements are fulfilled, and the educational process may be left to its own natural working. If they do not, or in proportion that any or all of them do not exist, artificial aid becomes necessary, and of course involves change from time to time, possibly in the amount of that aid itself, or else in the means by which it is given; and this, if either they succeed in restoring or creating a more natural and healthy condition, or fail (artificially) in producing that which is not produced naturally.

Every stratum or order of society illustrates the truth of these the underlying conditions of all educational systems; and also happily, that facility or power of direct interference, should things be wrong, proceeds exactly in proportion to the need or requirement of such interference.

Thus the upper ranks must be left pretty much to settle their own educational course; so far, indeed, as the will and judgment of the individual are concerned, entirely so. It is only where public interests come in through public trusts, that either an erroneous sense of the value, or defective intelligence as to results, of education, can be corrected in the upper classes. University and public school commis-

sions, and the like, are the means, and the only means, of stimulating the appetite and guiding the tastes of the upper educational body; and through the high competition for prizes which our endowed educational establishments afford, the very least even of such interference is needed; there is free play for a true sense and accurate judgment, the demand and supply act and react healthily. As we proceed downwards, the need of interference becomes more apparent, and the power of interference greater. In the middle-classes there may be a certain sense of the value of the education or appetite, and the circumstances or condition of life are such as to afford fit remuneration for any thing that would meet the demand; but the intelligence is wanting that can pronounce on or test the article given to satisfy the need or demand; and inasmuch as the circumstances are independent, and the arrangements purely private, direct interference is impossible, and indirect alone available. The middle-class, or local examinations, instituted lately by the universities, is a generous attempt of this sort, but, like much else of educational experiment, it does not reach where it is most needed, and fails to impart very widely a truer standard, and correct thereby a patent defect, because the intelligence is wanting to discern the value of the work. Empyricism is not likely to submit its own defective produce to an external test, unless those require it whom empyricism supplies, and there is not in this case the faculty which alone can prompt this requirement.

But the lower class, that to which what is called popular or primary education belongs, having, as a rule, neither the sense of value, nor intelligence to test supply, nor circumstances to allow of the exercise of these, even did they exist, require and admit *direct* interference. As when, in domestic life, one enters a cottage, the inmates of which are prostrate with fever, with neither appetite to crave nor taste or judgment to discern, nor circumstances to acquire remedial or wholesome sustenance, the deficiencies have to be artificially supplied, so is it with regard to the first application of an educational system to the lower strata in a body politic. In such a case, what is the form that a remedial measure would primarily assume? It necessarily takes the whole case in hand. It cannot in the first stage of assistance say, in proportion as health and strength prevail, we will reward their production, or stimulate the endeavours after them, through the degree of them attained. It were nothing but cruel mockery to speak so in the first instance to apathy, ignorance, and indigence; so the first application of aid to the mind, as the body, must be by providing all sound means—the doctor, the nurse, the medicine and food, in the one case; the inspector, the living teachers, the instruments of learning, the literature, in the other. This is absolutely necessary at first, when the State interferes to undertake, to whatever degree it does, the primary education of the people. But though necessary then, it has even then its incidental evils. Take that which is the best initial aid the State can afford, the living teacher. For just as a good nurse is better often than medicine, so a good master or mistress is before other kinds of State assistance. Yet, if these are trained not

through, and owing to, an experience in the wants they are to meet, but in entire independence of those to whom they are to administer, a too high and abstract standard, if not a want of sympathy in, and due appreciation of their work, and those for whom it is exercised, are almost sure to ensue. Dependent too very much, if not entirely, on the State machine, they would, like all else that issues from it, be too apt to regard themselves too exclusively as belonging to it, and complicate overwhelmingly the central system by this excessive dependence on it. A defective produce in that for which especially the whole machinery was originated, would seem also a very probable, if not necessary, result; also, if such a State system had associated itself in the work with the voluntary principle for any reason and from any necessity, it could hardly avoid impairing the full vigour and responsible energy of such free agency, in proportion as it absorbed into itself very absolutely any branch or element of the process.

Now, in sketching thus somewhat theoretically, but the not less, it is hoped, most practically and really, the origin and nature of the demand for State aid in popular education, and the nature and consequence of the State's primary supply, it will be seen that there is involved exactly what we in England have been doing, since we woke to the urgency of the question, till the present time. When the first spasmodic efforts at aid grew into any thing like shape and system, under the wisdom of one (Sir J. K. Shuttleworth) mainly, whose wisdom is justified in its fruits, and settled down into a code (or rather rules, which another, through much toil, subsequently reduced to a code), it addressed itself excellently well to supplying the means of education. Teachers, buildings, the materials of teaching, were its direct care, with such means as then were thought sufficient for testing their productiveness of the end desired. This stated summarily has been the plan or system, or is the old code.

But, besides the defects in any system of such direct aid which might require a remedy, naturally, and on obvious principles of true wisdom, a change of mode would in time be called for. Apathy, ignorance, and indigence, are the three social evils justifying, nay, requiring direct political interference in the work of education; and the end of that work in a State is, to replace these by the conditions concerning education of which they are the negation—appetite, intelligence, sufficiency; and in proportion as this, by the process of education, is being done, so far and in such degree ought the direct interference to be withdrawn, and changed into an indirect stimulus. To recur to our analogy of the body prostrate under fever. Utter helplessness in the first stage has to be met; but, as soon as possible, helpfulness instead is to be promoted, and efforts after self-support are to be encouraged, rather than entire reliance on another's aid. A reward for exertions made, and work done, by which the powers of doing it are evoked and strengthened, succeeds naturally to the first entire support and sustenance of these powers. All nature would seem to enforce this conclusion, and indicate the mode, too, through which a judgment should be formed of progress, and therefore by which, aid may still be conferred. All

animal and vegetable life is nursed and tended simply for the sake of growth in its earliest stages; and the means whereby it shall become what is wished are at that time directly supplied to it, and then next it is tried through its uses, or by the results for the sake of which such primary aid was afforded; and there is nothing in moral and mental processes to except them from this law, whilst there is every thing to give self-reliance a claim over reliance elsewhere.

Hence, on these two grounds, a system such as that of the old code would in time demand reconsideration, and most probably revision.

1. Because an indirect ought, in proportion as education is doing its work, to supersede direct interference.

2. Because any educational system growing, not spontaneously out of felt educational wants, but applied *ab extra* to them, would almost necessarily be too abstract and independent, and so involve defective results.

And, to come from theory to fact—the digest of the revised code, after all that has been said and written, is admitted to prove (though the degree in which the admission is made may vary) that such is the case with the system we have in this country been pursuing.

These evils will be corrected by the same method which would introduce a healthier process. Too much, to my mind, has been made of the mere punitive character of the revised code. I would advocate what has been proposed because it is primarily soundest and truest; substituting more for less healthy action, and only secondarily because it corrects incidental defects. To judge by fruits is most natural, and therefore best; and how? Of course by examination of the work cultivated, and that as strictly, severally and individually, as may be. But what are the fruits? What is the work cultivated? That which the certificated master (he is the type) was trained and instructed to impart—that which was weighed in him, and for which his value was assigned—that, in fact, which alone you can assay, and can put positively in the scale, namely, the direct results of education, as proved in the elements common to all—reading, writing, arithmetic.

Persons exclaim, why give these mental results such prominence; why weigh so nicely, and assign such value to them? Let it be observed they are not exclusively regarded; other points are allowed their weight in the inspector's estimate. No one would wish to disparage tone, character, and the many traits or aspects of a school, even possibly more attractive and not less valuable than intelligence or knowledge; only you cannot exactly weigh them, or rather, though they will themselves doubtless influence, and be much influenced by, the degree of mental attainment, yet what—when time for due estimate comes—what you can put in the scale and assay, is not the impalpable, however real, tone and manner, but the tangible results positively attained and positively ascertainable. The colour and form of grapes may attract your admiration and enhance value, but you buy and pay for them by positive weight in the scale. And whilst we have happily here got the question into the region of calm reflection, free from the

mists, we hope, of prejudice and interest, let us for a moment touch a point essentially connected with this individual examination, and which is known by the expression "grouping by age." It may be that the thing meant by it is such a patent absurdity, so hits in the face the first instincts of the commonest sense, that argument or reason do not become it: for certainly, though the outcry has been so general against it, I have never yet, though I have anxiously watched for it, heard or seen the point treated with reasonable consideration. The most eloquent of its denouncers called it two bad names when he opened upon it, which, as begging conclusions I hoped to have seen proved in some sort; but there followed nothing but the old bugbear of the stupid and backward girl of nine, for what if "misery had not made strange bedfellows," strange fellowship had brought much misery. Perhaps this lets us into the popular fallacy about it. The mind gets fixed on what that term "grouping" conveys, and men have pictured to themselves such examples of forced and unnatural grouping as they knew;—two-year old steers, or three-year old wethers, jostled, and cudgelled, and bullied on a fair-day, into a most uncomfortable pen in a strange place, and then pinched, and poked, and tried, all day through, by men never seen before, till night comes at its close, and the painful force of this figure has been transferred to the human experiment, much to the injury of its right understanding.

All this is simply delusion! There need be no discomfort, no little displacement at all, attending the operation. The main part of the process is, and will be, in the examiner's mind. It is more the regulation of a standard than an outward and visible machinery, and so far is it acknowledged and acted upon as a necessary condition of all true examinations, that what is really meant by it, namely, the coincidence in some sort between age and attainment, makes a part of every examination system, from the prize schemes for those elementary schools themselves, to the final class-honours at our universities.

If you ever have to regulate fairly the award by examination, the standard must be directed by some such principle.

Now, let us see how far the revised code, besides meeting a theoretic conception, applies to our actual system.

In a country like ours, with its isolated, rural, and dense urban population, and the competition of a livelihood to be attained in either, a quick successive crop of helplessness and comparative power of self-help would be expected, and the educational system find concurrent exercise for both its functions—both that which directly sustains, and that which indirectly stimulates. This supposes a comprehension of the whole community; but, as matter of fact, two circumstances in our system exclude its reaching its hand down to the most helpless. One is that it only helps those who can in some degree help themselves, and the other is, what is called the denominational element, under both of these, in different degrees, aid becomes restricted. The most abject cry of helplessness, or the more abject state which is content to utter no cry, dead to its degradation, is passed by on the other side.

It is of no use proposing initial and absolute relief to these, based on the poor-rate of the district, or any other plan. As long as our system is what it is, its administration will not admit of another and alien one being worked conjointly; whilst, of course, the system should do all it can to lower its rope to the utmost stretch, it is irrevelant to object to its working an exclusiveness which its primary terms or conditions necessarily presume. You must alter these, and look the consequences of such alteration in the face fully, before relief can be given.

Hence, extreme helplessness being cut off, the permanent maintenance of the method designed to meet helplessness would seem cut off also; and if any system, in itself, would seem to demand distribution of aid, by a method that stimulated self-help through the reward of exertion, it would be that which makes self-help a necessary condition of its own assistance. In all schools where the state machinery is employed—after such machinery has had time to get into easy and understood working—it were right to test its operation by its results, omitting those who, from tender years, represent ever the helplessness which needs direct support; and such with the examination scheme, which is its practical complement, is or *was* rather—the revised code.

But here we are met by another objection, which introduces a most important consideration. It is said you not only turn your educational system into a prize scheme, but you saddle the produce with a most tyrannous condition. It is as if you invited cottagers to a horticultural competition, and then said no flowers or vegetables were admitted but those cultivated by our best steel forks and spades, and our patent artificial manures, the certificated masters, and other degrees of Privy Council office requirement, being a necessary qualification to a school for a share of the grant. So far as this is alleged to discredit the examination process, it is unfair. It is, in short, an inverted statement of the case. It is not an open competition artificially restricted, it is only artificial means tried and proved in experiment. These conditions existed before the rewarding by results was proposed, and are not affected by it. Such process only, in fact, secures that the implements and manure are what they pretend to be, and do not import a new condition of monopoly or exclusiveness. So far, however, as the whole process is described thereby, the description is just and accurate, and of course it is important that the system should be made as comprehensive as possible; *i. e.*, that the demand of the Privy Council office should be carried to the lowest possible *minimum*, and the provisionally certificated master is the effort of the revised code in this direction. Schools thus qualified would be admissible to the grant; and perhaps there is nothing between that, and the proposition so nearly of late carried, that, let the results come how or whence they may, if they are attained and can be produced let them be recompensed.

And here we may just state the actual condition of the question at the present time, before we look a little closer into this attractive

proposition, and its consistency or otherwise with the present scheme, for we may be well assured that we have not heard the last of it, and it demands for its importance, and probably its imminence, most searching deliberation.

All money grant is payable in one sum direct to managers only, and is awarded simply on attendance. But it may be withheld altogether, or reduced proportionately for general defects in building, organization, discipline, and instruction, and if awarded, or in any degree as it is awarded, is to be for day schools apportioned thus—at one-third of the *maximum* sum of twelve shillings, or four shillings absolutely on the average attendance throughout the year; and for children above six years of age, two-thirds, or eight shillings for every child who has attended two hundred times morning or afternoon; but such portion of the grant is liable to reduction, either one-third of itself, or two-eighths if proficiency be not attained in reading, writing and arithmetic, severally, such proficiency to be tested by an individual examination; the standard of this examination being any one of six and ranging from monosyllables to a newspaper, from simple notation to a sum in practice, is to be chosen for each child *ad libitum* by the master or managers.

Remembering the tendency of every thing in such cases to gravitate towards its *minimum*, even under lesser inducements than here are patent, there can be no doubt how this last condition will operate.

Though it is hard to say whether this edition of the revised code evidences more of the scars or triumphs, losses or gains, of a compromise, this is its notable fact—the greater appeal to self-reliant powers and independence, both in managers, teachers, and scholars; or, in other words, it recognises the growth which by this time ought to have ensued from helplessness to self-help, and directs its aid accordingly. Upon this there comes a proposition to go farther and give like aid to these results by whomsoever and however produced. So far as the Privy Council's office has laid down, that proficiency in these results is the ultimate end and issue of its scheme, such demand would seem on the face of it like a logical sequence. So far, also, as herein we see independent means attaining desired ends, or self-help exerting itself, it would claim recognition and encouragement for that which we have laid down as the second stage in the educational process. Such a plan owes too, doubtless, a great deal of its attraction from its seeming to supplement the existing system just where it is weakest; namely, in its utter inability to reach and aid the most needy. There is a point in all destitution at which "help yourself and we will help you," is a cruel mockery. Also there is a surface look of free-trade about it, which is sure of its applause whenever put on. With regard to being able hereby to reach the state hand much lower down in the scholastic scale, and touch extensively the 1,280,000 at present unaided school children, I am not very sanguine, because I cannot think that such results as are still required for the grant can be attained, or to any extent are attained, by schools which are too poor to meet the state requirements; and yet as

tation of aid from this extension must be based on this assump- If, on the other hand, the expectation of aid will stimulate ols to exertions which will secure these results, such exertions bly will not have to be less than could acquire the lowest or tered teacher, and so fulfil the government requirements as they However, I only say this to check unwise anticipation; I have lf no objection to the experiment, under its due and necessary antees.

ople often talk of training colleges, certificated teachers, and the r educational machinery, as they would of a government shop, re articles for some state end were made artificially dear. Whilst e things truly indicate only wholesome supply, not monopoly, and, n the guarantees that they could be dispensed with, so far as they tate productions, of course they would most gladly be left to the nary laws. If the state in the revised code said we will look to intellectual results, and those alone, and our money shall be given these being satisfactorily proved, the demand for this extension ld be most logically and essentially just; but it is to destroy a wise l necessary system, not a close and selfish monopoly, to allow at and the same time that schools, irrespective of all other conditions, ll gain for the mere proficiency of the scholars exactly what other hools can only attain through proficiency of the scholars, and quali- ations of the teachers, and the state of the schools besides. Any hool then claiming a grant on its intellectual condition, must offer arantees for its being otherwise fit; such, in kind, as are now quired, or the process is unfair. The master's character, conduct, d attention to "duty," and the school's efficiency in "organization, scipline, and instruction," are necessary conditions of aid now, and plain the fact of existing establishments. Can we believe that ere is interest and intelligence enough yet about education to forego ese safeguards (not restrictions), or to take the intellectual result elf alone as sufficient guarantee? If the public has to be protected ainst itself in the practice of law and physic, can it yet be left in its west strata to its own judgment in the work of education?

But there is another consideration which must sorely cripple any ch extended application, even if otherwise desirable; and that is, that withdrawing "grouping by age," and not supplying any equi- lent, and leaving the standard to the teacher's choice, the reins e thrown to the managers and teachers in the matter of the amination, for at least a great deal of its experiment. Every boy girl—whatever his or her age, or period under teaching—can, at e will of the master, be put under the monosyllabic standard; d if, in schools under regular inspection, the abuse of this may be pt under by some regard to common sense and decency, yet how ill it be used by those who ostensibly come in to scramble for as uch as they can get? The children may never be there a second, ost likely will not be a third year, so there will be little or no ssible corrective in the future. It must, as things now are, be mply drawing up the sluice-gate of the public funds, and throwing

the key into the stream. If not for things as they are, certainly for things as they would be under this proposal, some stringent guarantee would have to be taken against abuse of the examination condition as it now stands. The principle is wellnigh neutralized by the terms as it is; it would be altogether lost under the unconditional admission of all claimants whatever! And when this proposition is urged as a logical sequence on any application of the principle of payment for results—and which I would rather call testing instrument by experiment—let logical sequence have its full play, and then we should rather have state aid refused for results brought about without aid, because that has been attained for which in fact aid is at all given. Voluntaryism is right in saying the state ought not to supersede, or be the substitute for, what will and purpose could themselves naturally secure; it only is wrong in the assumption that there is will and purpose enough in the matter of education to secure what is desirable; so in proportion as will and purpose, freely operating, do attain what interference seeks to supply, interference is uncalled for, and, logically, aid should be withheld.

The revised code, and whoever originated it, then, have claims upon our acknowledgment; first, because, comparing existing phenomena with the type, it tries to quicken and renovate the former through a more natural and free regard of the latter; next, because in so doing and by the very same means, it corrects those patent evils which were incidental to a highly-wrought and artificial system. If an educational standard, neither too high nor too low—a more accurate inspection, a greater independence, a more prompt and better adapted zeal in the teacher, a more ready and definite answer too, at the same time, to him who has to pay the bill, and has a right to ask the question—"Am I getting what I want, and the most of it possible for my money?" by facilitating evidence of value received, and extending and diffusing aid as far as possible where most needed—if these in any degree are, or may be, the products of the new minute, then we should try to make its operation a reality for what it itself may effect; but chiefly as being a step towards that truer and healthier condition, when the school and its master is sought by the appetite, weighed by the intelligence, and remunerated by the competency of an elevated community.

Educational "Results;" and the Mode of Testing them. By J. G. Fitch.

In recent discussions on popular education, no words have been so often repeated as "*payment by results.*" Perhaps it is not too much to say that this happily chosen phrase has had more influence on the whole settlement of the discussion than all the arguments which have been adduced on either side during a protracted controversy. To

that portion of the public to whom the whole question appeared bewildering and unintelligible, and who cared nothing about its details, these words, at least, offered themselves as a gleam of light, and seemed to show one aspect of the subject which they could understand. "Pay for results," of course, said they; "what else should a practical and business-like people pay for? If your Committee of Council have ever been making grants on any other plan, it is high time to amend it. *Results* are, after all, the only things worth attaining. If the old Code did not secure them, and if the very principle of the new Code is to make them the first object of attainment, there is, at least, *pro tanto*, a clear gain. Let us give the new plan a welcome, and a fair trial, at least." Accordingly, a change has been made, a measure has become law—not a satisfactory one to its own authors—not one which is consistent with itself throughout—a measure which is regarded by both friends and foes as one which will not work, and which is only an interim and provisional one;—but one of which this can be said that, at least, it embodies the great principle of "paying for results." Into many of the great and grave questions which are connected with this revolution I will not attempt to enter. There are questions of finance, questions concerning the confidence of managers and the status of teachers; but I am anxious to invite the attention of the Department to the probable effect of a system of payment for results on the education imparted in our elementary schools. How will the interests of the little learners be affected? is the question, which, after all, is the serious one, and is yet somewhat liable to be overlooked.

It may seem a trite and needless thing to say, but I venture to say it, nevertheless—that the principal results contemplated in elementary education are not only reading, writing, and arithmetic, but something quite other than these accomplishments. You take a little child from a poor and ill-ordered home, and you want to equip him for the active duties of life. What should he be taught? He wants, of course, to be put in possession of those mechanical arts which are the instruments of future acquirement, and which are the media of communication with the world, and the requisites for performing its business. But it is also necessary that he should acquire right habits, that he should be brought under religious discipline, and that the school in which he spends the best hours of every day should be one in which mental activity is promoted and an appetite for knowledge generated. He wants to be taught to *think* about his work—to feel an interest in inquiring and observing for himself, and to know something—if it be ever so little—of the way in which knowledge is to be acquired and the purposes it ought to serve. If the work of instruction be conducted in a right spirit, and if it be sanctioned and regulated by constant reference to the Divine will, and to the Word of God as the rule of life, the elementary school will fulfil its purpose, and its work will be worthily done.

Such is, in the main, the theory of those persons who, animated by the spirit of Bell and of Lancaster, and of late guided and helped by the wise supervision of the Committee of Council, have been seeking, during the

last forty years, to promote the establishment of schools for the poor. From the first, our primary schools have been fundamentally different from the private academies and adventure schools to which the children of the middle classes generally resort. For long and wearisome lessons from text books, and bits of grammar and geography to be learnt by heart, brisk questioning and intelligent oral teaching were substituted; for mere task-work, the free play of the children's understanding and the actual contact of the mind of the teacher, with that of his pupil. It is not too much to say that whereas in many schools the work is all pure drudgery—memory work, only relieved by long written exercises, and enforced by stern discipline,—the schools for the poor have been honourably distinguished by a more cheerful tone, and by a kindlier regimen. Even their faults have arisen out of too great a desire to cultivate judgment, perhaps, to the neglect of memory. Their object lessons and collective exercises, the *Kinder Garten* for the little ones, their gentle and sympathetic discipline, their lessons in geography and in common things, are all so many proofs that a true insight into the nature and needs of childhood has revealed itself in our plans for the education of the poor man's child than in those generally adopted for learners whose parents are supposed to be better off.

Who is there at all familiar with the state of education among us who does not know this? Who has not often painfully contrasted the hard, tradesman-like treatment to which the one class of children is exposed, with the more rational methods adopted by the trained teacher of a humbler school? The so-called elementary or primary school has differed, however, from one of higher pretensions; not because it taught other subjects, but because in it the idea of training the mental development has always been paramount to the claims of mere instruction.

Hitherto this distinction has been regarded as one of some value, and one at least worth preserving. I have good reason to know that so far as the influence of the inspection of the State has extended over our common schools, it has been specially directed to the maintenance of this character. Her Majesty's Inspectors (as far as I can judge, both from my own experience, and from the tenor of their reports) have never been content to inquire what has been done, but have also interested themselves to know how it has been done. They have thought as much of process as of results. Whether the children could read, has of course always been a prominent question; but whether their intelligence had been exercised on the subject on which they read, has also received attention. If arithmetic has been the subject of examination, it has not been the custom to set sums, and measure the goodness of the school solely by the accuracy of the answer; but also to ascertain the extent to which the principle of the rule has been understood, and the whole exercise of *ciphering*, as it is called, made to contribute to the improvement of the child's thinking powers. Whatever plans have been adopted by teachers for calling forth spontaneous effort on the part of the children, for stimulating the inventive and observant faculties of the little ones

or the reasoning power of those who are a little older, has generally received a very cordial recognition from the inspectors. No one can be familiar with the reports of those gentlemen, without perceiving that their influence has greatly tended to encourage a higher notion among teachers as to what education ought to be; and that such results of teaching and training, as affected the intellectual character and tended to mould the future habits of the children, were appreciated and measured with quite as much care as the technical results which are to be determined by individual examination, or formulated in a statistical table.

We are now to alter all this. I have now before me, in the shape of the finally revised Code *(Codex recentissimus)*, the nett result and outcome of nearly a year's anxious discussion, and of what I believe was a well-meant though mistaken attempt to place our schemes of public education on a sounder basis.

The curriculum of instruction now laid down by authority for the six successive years of a school life, will be found on the next page. To read a passage from a newspaper, to copy another when "slowly dictated," and to perform the feat of working a sum in "bills of parcels," is to reach the highest standard now recognised by "My Lords." I desire especially to call the attention of this section to one or two of the inevitable consequences of the adoption of a scheme like this.

1. Since the examination is to be an individual one, and since it will be necessary to keep a record of the result of the examination of each child in each of the three subjects, the time of the Inspector will be wholly absorbed in the duty of hearing the lessons, and tabulating the necessary returns. He will certainly have no leisure to look into the state of the religious instruction, to hear the master and his assistants teach, or to take cognizance of any plans which may exist in the school for awakening the intelligence, or improving the habits of the children. Indeed, why should he? No impressions which he may form as to these things can affect the grant. The official purpose of his visit is to determine the amount of money claimable by the managers. It is most unlikely that he will trouble himself about anything else. It is true the grant may be withheld altogether "if there be any *primâ facie* objection of a gross kind" to the condition of the school. But this is an extreme penalty, and will of course be very rarely enforced. The cases in which a respectable grant could be claimed for reading, writing, and arithmetic, and yet in which it will be necessary to withhold the whole of it, on the ground of some gross defect in the management or discipline, will be so exceptional that they need hardly be considered at all. Here, however, remains the simple fact, that for the future, if a little geography or history be taught, if the elements of grammar are made to tell upon the child's speech and his power of expressing his thoughts in writing, if by pictorial lessons, by skilful illustration, by music, or by animated oral questioning, the master has been able to transform the school-room from a place of task-work into an arena of genial and wholesome discipline, the Inspector is practically forbidden to notice it. The influence of

CURRICULUM OF INSTRUCTION REFERRED TO ON PAGE 261.

	Standard I.	Standard II.	Standard III.	Standard IV.	Standard V.	Standard VI.
Reading -	Narrative in monosyllables.	One of the Narratives next in order after monosyllables in an elementary reading book used in the school.	A short paragraph from an elementary reading book used in the school.	A short paragraph from a more advanced reading book used in the school.	A few lines of poetry from a reading book used in the first class of the school.	A short ordinary paragraph in a newspaper, or other modern narrative.
Writing -	Form on black-board or slate, from dictation, letters, capital, and small, manuscript.	Copy in manuscript character a line of print.	A sentence from the same paragraph, slowly read once, and then dictated in single words.	A sentence slowly dictated once by a few words at a time, from the same book, but not from the paragraph read.	A sentence slowly dictated once, by a few words at a time, from a reading book used in the first class of the school.	Another short ordinary paragraph in a newspaper, or other modern narrative, slowly dictated once by a few words at a time.
Arithmetic -	Form on black board or slate, from dictation, figures up to 20; name at sight figures up to 20; add and subtract figures up to 10, orally, from examples on black board.	A sum in simple addition or subtraction, and the multiplication table.	A sum in any simple rule as far as short division (inclusive).	A sum in compound rules (money).	A sum in compound rules (common weights and measures).	A sum in practice or bills of parcels.

the Government on our elementary schools is in future to be strictly confined to the encouragement of three branches of education, and is not permitted to make itself felt on any others. I think this a point which at least deserves to be seriously considered.

2. The treatment of even these three subjects, in so far as it is to be controlled by the regulations of the Council, is a purely mechanical one. The reading prescribed is to be the utterance of sounds, without any reference to the degree in which the reading is understood; the writing is of course the merely mechanical art, while the arithmetic is the working of sums alone. I know it may be said, and said justly, that to teach a child to read intelligently, is to cultivate taste and thoughtfulness in no ordinary degree; that the arithmetic, even of the humblest rules, may be so taught as to form a sort of mathematical discipline, as well calculated to call forth efforts of the logical faculty in little children, as the higher mathematics of the University. But the great vice of the new system of measuring results is, that it does not take cognizance of the mental process, of the discipline through which a child has passed, or of the incidental culture which his mind has received in learning; but only of the bare fact that he can *do* a given thing, or work a given sum. I do not see how it can be otherwise on the new theory which the country has adopted. You cannot set up a test of the moral and mental influences to which a child has been subjected, so as to make it a basis for a return per head of the number who are to claim a grant. If you are to determine the whole success of a school by results such as can be counted rather than weighed, your standard must be a rigid and formal one—there is no help for it. Nothing but a coarse and summary mode of applying it is feasible or even just. But is not this a reason for distrusting the whole principle of such examinations? Is it not, in fact, true, that the best part of the work done in a school is precisely that which defies the new method of estimation, and which will wholly escape the supervision or the sanction of the State?

The reply to this is easily anticipated. "The State must fix a *minimum*, in justice to schools which are unfavourably circumstanced. But you are at liberty to teach as much more as you like. If your methods are good, they will have the effect of increasing the number who can pass, and so of increasing the sum at the disposal of the managers. The State does not discourage higher and better teaching, but it declares that it will not pay except for rudiments, and that in measuring these rudiments, it will adopt such a standard as will be fair to the lowest and least favoured class of schools."

I hope I state the argument fairly. It is very important to me that I should do so; for all those who are actually interested in the progress of education have many reasons for trying to make the best of the new arrangements, and to interpret them in the most favourable light. But I am, nevertheless, struck with two or three facts which are fraught with great danger to public education. Observe, that though the standard is a *minimum* one, yet every school which comes up to it can obtain the *maximum* grant. Between a school mechanically

taught and one intelligently taught, Her Majesty's Inspectors are permitted to recognise no difference. Nay, I doubt if henceforth it will not be an impertinence for an Inspector to inquire the meaning of a word which is read, or the significance of a figure which is set down in a sum. The boy who utters the word correctly must pass, whether he knows the meaning of it or not. He whose sum is right must have his 2s. 8d. registered to him, whether he understands the principle of the process, or has worked it by the rule of thumb.

Observe, too, that the standard is a uniform one. There is a beautiful simplicity about it. Whether the school is a new one or an old one; whether for girls or boys; in a scattered and poverty-stricken rural population, or in the decent suburbs of a great town; whether frequented by the children of brutal ignorant parents, or by those of intelligent artizans, who help the little ones at home and take a kindly interest in their work—the standard is always the same. The Inspectors have no discretion—no power to vary it. The paragraph of the *Times*, the inevitable problem in "bills of parcels"—whatever that means—represents the acme of scholarship desired by the Council in all these varied circumstances alike.

Can we doubt that the effect of such legislation will be to lower the whole character of the popular education of the country? The curriculum prescribed by authority *must* have a large influence on the teaching of the schools. It cannot be otherwise. The vast improvement in our methods of teaching of late years is largely owing to the sympathy and the direction of Her Majesty's Inspectors. It is true that in the training colleges which are under the management of voluntary societies, an attempt has been made to give to the teachers a knowledge of methods and of education as a science; but it is also true that these attempts have been countenanced and largely aided by the Government. What place, however, is there for trained teachers in the new system? Already it has been discovered that the requirements of the new Code can be met as well by uncertificated as by certificated teachers; and the very narrow majority by which a proposal for dispensing with the need of training altogether was defeated in the House of Commons, very significantly foreshadows the next step in our educational reforms. Indeed, it may be confessed that it is illogical in a system which bases itself on the estimation of results, to prescribe the means by which those results are to be attained. The present regulation which makes the employment of a certificated teacher a *sine quâ non*, has no *right* to hold its ground, if the new system be a sound one. What then? The attainments on which the grant depend are such that a well conducted dame-school can produce them. No professional training is needed to enable a person to fulfil all the requirements. Committees and managers will soon discover that a trained teacher is an expensive luxury; that a school may be more economically conducted without one; that a broken-down hack of the old schoolmaster type, who did so much to discredit an honourable profession, can do all the work; and that the old and exploded methods of carrying children through certain exercises in

reading, writing, and arithmetic, will answer every purpose. School managers will demand, and with justice, that the existing monopoly of certified teachers shall cease, and that their work shall be measured by its results alone.

The old system had its defects, and I do not wish to conceal my sympathy with those who desire to amend it. But at any rate, it started on the principle that, in education, we have to consider, not only what is the work done, but what manner of men they are who do it. Hence, it always insisted on the training of the teachers. It subjected the candidate for the schoolmaster's work to a discipline of one or of two years, and to a course of study designed to strengthen his hold on first principles, to open his mind and give him not merely a knowledge of the particular matters he has to teach—for no man can be a teacher of little children, or of any body else on such terms—but an interest in the pursuit of knowledge, a wide range of illustration, and the power to look at the subjects of instruction from very different points of view. There is a special need for such training in the case of primary schools. We should not forget that, in one sense, the National schoolmaster is a more important person, relatively to the needs and the future character of his pupils, than the master of a higher or endowed school. If the son of wealthy parents grows up well informed and thoughtful, with high aims and pure tastes, he owes it much more to the character of his home, to the associations that surround him, and the talk he listens to every day, than to the technical teaching of the school-room. But, to the labourer's son, the school is, probably, the only source of mental or moral culture with which he comes in contact. And the person who is to do the work of the school, to control the habits, to excite an appetite for knowledge on the part of the children, must not only know something, but it is necessary that he should *be* something more than the mere mechanical pedagogue, to hear lessons, and to set sums. Everything he can learn, provided that he learns it soundly, beginning at first principles, and never mistaking the beginning for the end, nor a part for the whole, is sure to be available in his work. All experience proves that the teachers whose training has been most thorough, are those who do the humblest elementary work well. "The best Infant school I ever visited," says Mr. Derwent Coleridge, "was taught by an accomplished lady, as a labour of love. The little ones possessed a considerable amount of knowledge; they had been taught not merely to read, but to speak; their native *patois* being of the most unpleasant kind. All this was the result of superior knowledge and refinement, joined with technical skill and disinterested zeal in the teacher." Pestalozzi, again, and such as he, have owed their extraordinary success rather to themselves than to their systems, which always break down under inferior management. Such persons have brought to the work great teaching power, trained by high cultivation, and supported by various knowledge. We cannot, of course, expect all our schoolmasters to be scholars and men of genius; all I maintain is, that their acquirements are not to be stunted, nor their intellects cramped.

That our popular schools can safely or hopefully be intrusted to a set of laborious drudges, removed but one degree in knowledge from the children that they teach, may be an attractive, but is a delusive vision. As a rule, you will find neither the power nor the will for the work of the schoolmaster in men of low attainments; no, nor the moral fitness. Mean capacities, and unfurnished minds, keep the door open to low desires; and in exact proportion to the intellectual stimulus which you are enabled to apply, you find the subject of your teaching impressionable to moral teaching.

Let us not suppose that the standard of education among the teachers has been extravagantly raised. They who say that we are sharpening razors to cut blocks, can know very little either of the razors or the blocks. After all, the work has not yet been well done. Complaints of the conceit and pretentiousness of the trained teachers have been common, and, in some cases, have no doubt been well founded. But it is to be recollected that the system is new; that the average age of the holders of certificates in this country is probably not above twenty-five years, and that during the transition state which marks the era between the universal degradation and contempt in which the teacher of the poor was held, and the establishment of this class of persons on a respectable footing—there will necessarily be a few persons who mistake their position, and make a wrong estimate of their duties. But the evidence of the Royal Commissioners, who have no interest in concealing the truth, is very strong on the fact that such persons are outnumbered a hundred-fold by teachers who understand their work, and who do it well; that the trained teachers are greatly superior to the untrained; and that, regarded as an experiment in preparing a body of young people for a special work, the training college system, in the early days of its history, has worked most successfully, and has already produced most valuable results.

The truth is that there is among us a very prevalent feeling that everybody's qualifications are to be tested by examination. For the Civil Service, for the Army, and for every possible employment, it is now the fashion to gauge candidates by technical examination. I do not complain of all this; but it is certain that the principle of individual testing may be carried too far.* What a student at a University can put upon paper and present to an examiner in a technical shape, is a fair measure of what he knows. But the lower you descend in the scale, the less relatively is the proportion of knowledge or culture which can be submitted to such a test. A system of individual examination, applied rigidly to schools year after year, and representing, as it must do, only a poor *minimum* of mechanical work—a system which, on principle, refuses to recognise all other and all higher results; which ignores the discipline, the moral influence, the intellectual culture, and the whole of those complex considerations, on which, after all, the real value of a school, as a place of education, ultimately depends, cannot fail in time to make itself mischievously felt, and to deteriorate the whole standard of education in the country.

* Trans. 1858, p. 220.

The system which we have just superseded went on another principle. It has been objected to it, that it paid for instruments, for machinery, rather than results. It sought, first, to see that good schools were built; that they were duly equipped with all the necessary appliances; that a sufficient number of apprentices or other qualified teachers was supplied, and that the teachers furnished *à priori* evidence of competency. Moreover, it actually paid the teacher on a scale regulated rather by the certificate he held, that is to say, the amount of time and labour he had devoted to preparation, and the evidence he had given of professional qualification, than to the number of children he could pass. This system had its faults. I do not wish to deny them; but it does not deserve the ridicule which has been cast upon it. A lawyer is not paid by the number of cases he wins, nor a physician by the number of lives he saves, nor a servant of the Crown by the number of official letters he writes; but in each of these cases the end is secured by a less direct way: payment is made according to the presumed capacity and power of the professional man; and it is believed that if you first encourage men to obtain high qualifications, then place them in right positions, and finally subject them to due oversight and criticism, you will be better served in the long run, than by paying them according to some mechanical way of measuring their work. And why? because the advantages of having capable men to do a given work reveal themselves in a hundred subtle ways which cannot be estimated, but which on that very account are all the more precious.

I am sure that this principle ought not to be lost sight of in our popular education. We *must* secure results, and we may, with great propriety, insist on a more rigid method of testing school work than we have hitherto adopted. There is an element of truth and wisdom, therefore, in the recent popular demand. But if we fasten our eyes only on such results as are to be measured by line and rule, and utterly disregard the nature of the machinery by which they are achieved, and the spirit in which the machinery is worked, I believe that all the best and noblest results of popular education will escape us altogether, and that the step which some are now disposed to look on as one in advance, will prove to be a retrograde one, and one leading to fatal and deplorable consequences.

The Future of Popular Education. By Horace Mann.

Although the controversy about the Revised Code has now ceased, it is impossible that the larger questions which produced it, and to which it has in turn given prominence, should any longer be overlooked. The recent compromise may suffice to allay the special excitement among managers and teachers; but the great question of popular education has been placed before the country in such vivid light and gigantic though vague dimensions, that we can no more avoid the recognition of its presence and its urgency than the traveller could ignore a mountain straight before his path.

Whatever merits may belong to the present machinery for educating the great majority of the people, it cannot be said to be the result of any well-considered and comprehensive design. The efforts of private benevolence, though widely diffused, have been for the most part local, isolated, and without concert; and when, more than a quarter of a century ago, Parliament gave its sanction to the modest vote of £30,000 a year in aid of then existing educational societies, it was certainly very far from intending to present the model of an elaborate plan which might ultimately cover the whole country at a cost of two or three millions per annum. Anxious to promote the education of the indigent class, it was by no means desirous of founding a national system. To confine itself to subsidizing the agencies already in operation, seemed at once more easy, practical, and safe. In this way, however, with the careful avoidance of foresight which distinguishes our legislation, Parliament really did what it had no intention of doing, and inaugurated a system of which it might have been safely prophesied that the growth would be inevitable and rapid, while its ultimate shape would be wholly beyond the control of its creator.

But although we have thus, in strictly English fashion, "drifted" to our present position, signs of discontent are sufficiently numerous to show that this favourite policy has not, in this case, altogether succeeded—that a lazy confidence in chance is no longer possible—and that the larger consideration of the subject, which has hitherto been so successfully avoided, must at last be bestowed.

In this full survey of so great a subject, there will, of course, be various questions, each of very great importance. It is only to one of such questions that I am desirous of drawing attention; viz., to the question—What part should the working classes themselves take in providing for their own education? The great mass of the community, called, for want of a better name, "the working classes," constitutes probably about four-fifths of the whole population. In England and Wales, therefore, these classes would number 16,000,000 (out of 20,000,000); of which number, about 2,000,000 would be children constantly at school. My question then is—"What share shall these 16,000,000 of people take in the work of their own education?"

It is important to bear in mind (what is often, apparently, forgotten), that these 16,000,000 of people are not all poor people, unable to pay school bills. The aggregate value of their earnings has been estimated, by competent authorities, at £200,000,000 per annum; about £50 per family on the average—some of course earning much more, and some being absolute paupers. From this, however, we may conclude that a very considerable number of families is quite able to support the entire school charge, while another considerable number is able to contribute the largest share towards it. Independently of which, if the majority of the labouring classes were really unable to pay for so essential a necessary as the instruction of their children, an important general question might well be raised, whether such a fact would not indicate an undue depression of the rate of wages, and point out, as the appropriate remedy, a more equitable distribution of the national

wealth; so that what is now dispensed as charity, in the form of taxes and subscriptions, might be paid by the parents themselves after they had received it in the form of a fair return for honest work. I am not about to pursue this point; but the alternative may be plausibly put —either the people do not earn enough to provide for their educational wants, in which case the rate must be too low; or they do earn enough for the purpose, in which case no permanent policy can be wise which does not seek to make them bear so natural a burden. As matters at present stand, out of the 2,000,000 of working class children under instruction, the number educated wholly at their parents' cost is about 360,000. The remaining 1,640,000 receive assistance from private benevolence, or from the State, or from both together; viz., 675,000 from private benevolence alone, 48,000 from the State alone, and 917,000 from these two sources in conjunction. The proportions of the burden borne, in the last case, by the different contributors, are—by private benevolence, 46 per cent.; by the State, 28 per cent.; and by parents, 26 per cent. This is exclusive of the outlay upon school buildings, which are erected entirely by the efforts of charitable individuals and of the State.

But if we take for our guidance the discussions in the legislature, and the Report of the Royal Commissioners on Education, it is clear that still further progress in the same direction is anticipated. The most prominent parliamentary criticism on the working of the present system is, that it excludes so many schools from all participation in the public bounty; and, quite in accordance with this feeling, the Royal Commissioners discuss the cost of a vast extension of the system of public aid—assuming that such assistance might be rendered not only to the 675,000 scholars whose parents at present receive help from the hand of private charity alone, but also to the 360,000 whose parents are laudably providing for the cost of their education entirely from their own resources. It is needless to say that, if these plans were carried out, the proportion of the people's contributions would probably be less than 25 per cent. of the annual cost; upwards of 75 per cent. being furnished by the charity of the other portion of the community, paid either in the shape of individual subscriptions or of public taxes.* Before accepting such a system, or allowing ourselves to be committed to it, we ought at least to inquire very thoroughly and seriously what are the principles upon which it would be based, and what results would be likely to follow its adoption.

The great question, then, upon which the country ought at once to make up its mind is—Whether it is really prepared to see four-fifths of the community permanently dependent for the chief means of education upon the charity of the other fifth? For there can be no doubt that this will be the relative position of the two sections of

* It is not forgotten that, if the State contribution is paid out of the proceeds of general taxation, the working classes will pay in this form a certain part of it. The above calculation makes allowance for this.

society, if the current of policy now flowing so rapidly shall continue unchecked in its present course. Sixteen millions of the population of England and Wales, will be receiving from the other four millions assistance to the extent of three-fourths of the cost of their instruction. There may be good reason why such a state of things should exist for a short time, or even for a quarter of a century, just as there may be reasons why the government of India should adopt the exceptional policy of applying the public funds to the encouragement of railway undertakings, and the improvement of the growth of cotton; but are we prepared to accept it as a permanent arrangement? If so, it may certainly be said of our system that it is unique. No other State, so far as I am aware, makes such a broad gulf between different classes of society. For it must be noticed that, even now, the principle of the system is no longer what it was at its origin—that of aid from the rich to the poor; but of aid from the upper and middle classes to the working classes. There is no test of poverty: there is not even a test of inability to sustain the entire charge; and, in fact, there can be no pretence for assuming such an inability in the whole class, or even in so large a portion of it as to make the distinction needless. But, without such a test, it is clear that the system must be one of indiscriminate bounty to four-fifths of the community.

It seems hardly possible that a policy conducting to such an issue as this can have been sufficiently weighed. If, indeed, such a scheme could be supposed to be the result of adequate thought, one might almost be pardoned for suspecting a deliberate design, to secure by this means the future subservience of the mass of the people, by bringing them under obligations to the classes above them. Such a suspicion is, of course, inadmissible; for although to some the prospect of this consequence may have been a chief recommendation of the policy, while, probably, not a few others may have been unconsciously influenced by a secret satisfaction with such a result, there can be no doubt that impulsive benevolence, and pure religious zeal, have been the predominant motives with the clergy and laity by whom the voluntary portion of the funds have been contributed; benevolence and zeal, however, confining their view to present emergencies, and not by any means contemplating a national system. Similar motives doubtless, actuated the men who originated the existing plan of government grants, and the various parliaments which have sanctioned them. But, although the result may not have been contemplated, it may be none the less certain and disastrous. Whatever might be the advantage to society in the greater docility of the working classes, a more than equivalent evil would soon be felt in the loss or prevention of that manly and self-respectful spirit which is essential to the birth and growth of the highest civic virtues. Charity might thus be twice cursed: the country might be laden with a tax of two or three millions a year, while the great mass of the people might become demoralized by an indiscriminate relief from their natural and proper burdens. Even now we are familiar with the comparisons drawn between the English and foreign working-man, to the

great disadvantage of the former in respect of his bearing towards those above him; and we cannot doubt that the influence of a scheme which would make him practically still more dependent upon charity, could not fail to aggravate subserviency where it already exists, and to produce it where at present it is happily not to be found.

In making these remarks, I do not regard myself as supporting the views of any particular educational party, or as undervaluing the work of the last twenty years, considered as a temporary expedient. The question, as I wish to put it, is not between voluntaryism and taxation, but between promiscuous charity and self-help. It is to the policy of relieving, by whatever means, a whole class from the greater part of its parental duties in regard to education—it is to this policy that I am inviting an attention which I fear it has not yet received. The effect upon the character of the recipients would probably not be greatly different whether the relief was afforded by private individuals or by the State. In either case, four-fifths of the community would be in the receipt of bounty from the other fifth—a considerable number of them being perfectly able to sustain the whole burden without any assistance. In either case there would be dependence, though each form of dependence would have its special features. The voluntary subscriptions of neighbours may perhaps appear to the popular mind more obviously the offering of charity than the same amount contributed from the national exchequer; but, on the other hand, this very difference indicates a disadvantage to which the latter form of aid is subject, since the people must naturally be the less inclined to rely on their own resources, the less a resort to other quarters might seem inconsistent with their self-respect.

As I have elsewhere endeavoured to show how—by an inspection of private schools, by the co-operation of trade societies, by open competition for the minor government appointments, by the greater encouragement of evening schools for those in employment, and by other means—the share of the working classes in providing for their educational wants might be largely increased, I will not now enter into that question.

If, however, we are to have an extensive system of tax-supported schools, the question may very fairly be raised, whether it would not be better to carry it still further, and include the schools for the middle and upper classes. If indigence is not to be the condition of relief, would it not be invidious and degrading to confine the public charity to a certain section of society? If the necessity for improved methods of teaching is to be the test, there are plenty of complaints against the middle-class schools; and, so far as utility is concerned, the instruction given to the Upper Ten Thousand is at least susceptible of improvement. Nor, if we may judge from the fate of many large endowments intended for the humbler classes, need we apprehend any delicate reluctance on the part of this upper section to accept whatever assistance might be offered from the public purse. All classes would thus be subject to the same treatment; and, if public aid is to be extended beyond the circle of poverty, it is only by such

an universality of aid that the danger of demoralization can be avoided.

There may be objections on other grounds to such an extension of State support; but, unless it is wished that the great mass of the people should gradually become enervated dependants upon the wealthier residue, there seems to be no option between the plan of making all classes share in the charitable fund, and that of restricting aid to such as really need it. The latter alternative appears to have the high sanction of Sir James Kay Shuttleworth's approval; at least, as the ultimate policy of the country. His argument, as I understand it, is, that a large and abnormal amount of aid to the working classes is at present rendered necessary by what he forcibly terms the "brutish" condition of a great proportion of the population, but that the certain effect of this aid must be to gradually change the face of things, by producing in the after generation such a sense of the value of education, as to make the stimulus no longer needful. It is true that he does not contemplate any other than a very slow progress towards this result; but progress, however deliberate, in this direction would be a healthy sign, such as we do not, I fear, at present anywhere perceive. Rather, indeed, as already pointed out, the stream appears to be running in the opposite direction; self-supporting private schools are, if possible, to be wholly superseded, and the entire 16,000,000 of the working classes are to be made, in greater or less degree, dependent upon those above them. Surely, then, it is time to pause and seriously ask ourselves, whether this is what we really wish, and whether our ideal of the future social fabric of this country is satisfied by the vision of a perpetual separation of the people into two gigantic and distant sections, of rulers and ruled—masters and servants—alms-givers and alms-receivers; or whether, on the contrary, we do not look forward to such a fusion of classes, as shall make it almost impossible to say where one terminates and another begins—to a time when the labourer's earnings shall be spent upon his family instead of in the beershop—when the rate of wages, if inadequate at present, shall be raised till it be sufficient to provide the moral as well as the physical necessaries of life—when manual labour shall be freed from the stigma now undeservedly attached to it—and when the labourer and the artisan shall be as self-respectful and as independent of charity as the tradesman or the squire. "And is this goal so far away?" It may be so; but, if it be our ultimate aim, we should at least take care that our faces are ever turned towards it, and that our steps, however tardy, carry us continually nearer.

The Half-Time System. By the Rev. J. P. Norris.

By the "Half-time System" is meant a compromise between the claims of labour and the claims of school, whereby children under a certain age are obliged to give a portion of their time to education

lification for discussing it, the subject could not be in better
an mine. Of all questions connected with popular education, it
ak, the most complicated. When I began to inspect schools
Iorth, in 1849, the factory operatives had themselves just won
Government the last instalment of that beneficent course of
on which the fervid eloquence of Mr. Oastler, and the untiring
f Mr. Sadler and Lord Ashley, had inaugurated in 1833 and

ood effects of the Half-time system and the Ten Hours' Act were
ere apparent. The regularity of the children's attendance at
up to their thirteenth birthday, contrasted most strikingly with
ltoriness of rural children, and the almost infantine age of the
in the potteries or mining districts.
ant of the enormous difficulties involved in such legislation, I
' why not extend these requirements to other manufactures?
' not organize associations for carrying out a similar system
xion with agricultural schools?" My early reports to the
ee of Council are full of recommendations of this kind; and
r I hopefully recorded such experiments as had been made.
not here repeat the evidence which from time to time I
, with a view of proving that the children of the potteries, the
of the iron forge, the children of the coal mine, urgently
uch protection. Nor need I here recount how, with more or
cess, Mr. Paget in Derbyshire, the late Mr. Tollet at Betley,
atherton and Lord Egerton in Staffordshire and Cheshire,
d in combining systematic instruction with labour for the
oys employed on their properties. Each year the very great
es that stand in the way of the establishment of any general
system, whether by legislation or by voluntary association,
ome more and more apparent to me. I will content myself
resent paper with stating the general conclusions to which I
en gradually brought thus far, indicating very briefly the
on which they rest.
nsidering this, as indeed almost every other problem of social

1st. What is desirable for the child?

So far as my experience of education enables me to judge, I answer unhesitatingly, that for children of the labouring poor, who are themselves to live by manual labour, a half-time system after their eleventh birthday up to their thirteenth or fourteenth, is most desirable. Putting entirely aside the parents' and the manufacturers' interests, and considering solely the child's interest in an educational point of view, I say that the child who had passed these two or three years of his life under a half-time system—spending the one half of each day at school, and the other half in light manual labour—would turn out a more healthy, more docile, and more sensible youth, than one who had spent the whole of that period at school, or the whole of that period in labour. As to the desirable limits of the period, of course they would be different for different children. But for all children, I should deprecate employment away from home before their eleventh birthday; and I should desire to keep them under school influences during some portion of each day up to their thirteenth, fourteenth, or fifteenth birthday,—that is, until some fixed principles of conduct had been formed in their minds.

If I am asked why I prefer half-time employment during this period to spending the whole of it at school—I answer that just at that age the school-boy or the school-girl under an attractive teacher is apt to pass into the "student;" and for those who are shortly to support themselves by manual labour, the formation of student-like habits is undesirable. By student-like habits, I mean especially a sedentary habit of body, and a disproportionate cultivation of the sensibilities of the mind. It is this which often makes the head girl of a good parish school turn out a bad housemaid, and it is this which makes farmers say they can make nothing of lads unless they go to the plough early.

And if I am asked why I prefer to spread the necessary amount of instruction over three years, instead of condensing it (as might perhaps, be done) into one or two—I answer, that what I most value in the school at this period is, not the instruction, but the formation of habits of mind or principles; and that this cannot be compressed into a short period, nor can it be accomplished so well in childhood as in those later years of transition from childhood to youth—*i.e.*, the thirteenth and fourteenth years.

But while I state thus strongly my conviction of the desirableness of the half-time system, I would require as a condition that the periods of alternation be both brief and regular: half-days, days, or even weeks at most, but in regular alternation. The neglect of this condition has made the Printworks' Act worthless in an educational point of view.

2nd. I next come to a question on which I speak with much more diffidence. What is just—just to the employer, just to the parent, just to the child?

Now at a very early age—say eight, or nine, or ten—the child himself can hardly be said to be a party to the contract of his employment. It lies between the parent and the employer. The child has, it is true,

interests of the utmost importance at stake; but of these the parent is the natural guardian and trustee. But what if the parent is practically found, in a large number of instances, to abuse this trust, discounting the child's immature strength, as it were, for the sake of present gain?

Does the guardianship devolve on any one else? Clearly there is another party, besides the parent, directly interested in the growth of that child's mind and body: viz., the civil society in which the child will, as a good or bad citizen, spend his life. Is that society, then, acting through its government, justified in placing the parent under certain restrictions as to the labour of his child? This question was decided in the affirmative in 1833, when the first Factory Bill was made law; and it has been since then repeatedly endorsed by the legislature. And as with the parent, so with the employer—the principle of legislative restriction has been conceded.

Indeed, when one considers that England, during the last half century, has been engaged in a career of continually accelerated competition with the other producing nations of the earth, and that the inevitable tendency of such competition is to drive the employer to seek out cheaper and cheaper kinds of labour—by his machinery enabling women and even very young children to do what adult men did before—it stands to reason that somewhere or other the State must arrest the encroachments that are thus continually made on the imperfect powers of childhood.

But, as I said before, the principle has been conceded, and need not therefore be further discussed. The policy pursued by Parliament thus far towards the employer has been to consider each trade by itself, and only to interfere where an extreme case for interference, in the interests of humanity, could be made out. Parliament has conceded to the employer the privilege of buying his labour in the cheapest market, and has only circumscribed this freedom when the privilege was shown to be very generally abused in any particular trade.

In this way the spinning or weaving factory, the printworks, the bleachworks, the lace mill, the coal or iron mine, have all been brought under legislative regulation. Such gradual and tentative legislation has much to recommend it; but it is liable to this serious objection, that where all trades are competing for cheap labour in one labour-market, it is unjust to place one under restrictions while another is left unrestricted.

This injustice would be most felt in the case of trades that are locally mixed up with other trades. As, for example, in the case of the mines, which have been recently placed under regulation, the iron and coal masters are complaining that the only result is that their boys are leaving the mine to go to the forge, or hardware works, or pottery, or other neighbouring manufacture, where the law does not restrict their labour.

In the case of the Factory Act, this evil has been felt to a certain extent (see Mr. Akroyd's paper, read before the Association in 1858), but less than would be the case elsewhere, owing to the fact that these textile manufactures altogether occupy certain definite tracts of

England, thus giving them almost a monopoly in the labour mark
those districts.

But in the Mines' Act applying to districts where there is n
always another manufacture being carried on upon the surface o
ground, competing with the mine below for the service of childr
these restrictive clauses, for this as well as other reasons (to be
tioned under my third head), are proving a failure.

And if this kind of piecemeal legislation be further applied to
smaller industries, I predict very confidently that the injustice
partiality will be yet more apparent. However, I need not say
on this inherent injustice in our present mode of legislating on
question, as it formed the subject of a lengthy paper read by m
Glasgow, before the Association, in 1860.

I pass on to the third part of my inquiry:

3rd. What is practicable? It is perfectly astonishing how some p
—even sensible people—cling to the notion that an Act of Parlia
has some magical power of enforcing itself. Their panacea for
social evil is, to make it illegal; as if the evil would therefore at
cease, whether there were officers and penalties competent to en
the law or not. The Factory Act succeeded, because the trade
carried on in large rooms which could be rapidly, and easily,
effectively inspected. Suppose a law passed applying the same
time principle to agricultural labour, where it is equally des
—conceive the army of rural inspectors that would be necessa
enforce it, and the chase after contraband scarecrow lads of ten
old on a farm of 300 acres!

But if it cannot be done by law, can it not be done by volu
agreement over large areas? Over large estates, among the te
of a single proprietor, I believe it may. It has been done, as I
said, with more or less success upon four or five such estates i
district. (Minutes of Committee of Council on Education for
vol. 2, p. 805; and vol. for 1855, pp. 474-480; and again i
report for 1860.) And I believe it would well repay any large
prietor to endeavour to carry out the scheme for the sake o
excellent training it would afford to the rising generation o
tenantry; but I entirely despair of seeing it so generally adopt
to become a national habit, if one may so speak.

So with manufacturers. Many large manufacturers of potte
iron have told me they would gladly adopt a half-time system fo
children in their works, if all would do it; but while some refus
are so enabled to undersell them, they plainly cannot afford to
A self-denying ordinance of this kind must be passed by all or
and this is tantamount to saying it must be made compulsory b
State. The large and liberal mill-owners of the north rejoice
Factory Act; it is their protection against the selfish and illiber

But can it be made compulsory?

In mines, inasmuch as they have only one entrance, and all w
up and down the shaft can be easily checked, perhaps it may.
what are called dispersed manufactures, *i.e.*, manufactures carrie

?

e come in all those difficult cases where the trade is carried on
gh a factor, as nearly all the small hardware trades; and again,
ades where children are not apprenticed to, or engaged by the
manufacturer, but merely employed by the journeyman. Who,
last case, is to pay the fine? the journeyman? He is a day
er himself who merely jobs his neighbours' children, and can
you in twenty ways.

he master then to pay it? He protests that he has no count or
edge of the boys whom his men may be employing: they are
aid at the office: he cannot be responsible for them.

s great difficulty is perplexing the authorities now, in carrying
ne Mines' Inspection Act in the Midland Counties, where the
are nearly all worked through the intervention of Butty-
s or Charter-masters.

fact is, the more one becomes acquainted with the endlessly
conditions under which children labour in England, the more
ssly complicated does this problem become.

tly, a serious difficulty would, in some districts, have to be
ntered in the limited supply of children. For the half-time
n requires a double supply: one relay working while the other
school.

conclusion, therefore, is at present a dilemma: a half-time
n for young children is most desirable, but it is unjust unless
d to all trades; and in some trades it can never be enforced.

now of no perfectly satisfactory solution of this dilemma. Mr.
rley's Bill of 1860 had, for its aim, the imposition of a "reading
riting test" as a condition of labour under twelve years of age, in
ades, and evaded my third conclusion by leaving the enforcement
ance information. My Glasgow paper strongly advocated this
are; but I must confess that further consideration has led me to
ion its wisdom. I doubt whether an education test can ever be

kind, just as four or five trades already have been, by separate Acts of Parliament. But reviewing these several Acts, and marking the success of some and the failure of others, I am strongly inclined to believe that in such measures greater stress should be laid on Health than Education—on "short-time" than on "half-time." "Short-time" means a ten-hours' law for women and young persons, including, of course, a prohibition of employment under a certain age. "Half-time" means the requirement of a certain amount of schooling alongside of work, up to a given age. The first is nearly always practicable; the second may or may not be, as it involves the employment and the payment of two relays of children, and encounters all the difficulties of a short supply of children, of insufficient schools, of middlemen, of dishonest registers, and the like.

In the "Factory Act" both are combined (and this is best), and the result has been a growth of Education in the cotton-manufacturing districts during the last fifteen years, which bears most striking testimony to the wisdom of such legislation. It was only last week that one of the largest employers in Manchester, speaking of the patience and fortitude with which a population of many hundreds of thousands of operatives are now enduring an unprecedented amount of privation, said to me, "I know nothing in the range of my experience more remarkable than the development of the Lancashire character in the last fifteen years;" and he ascribed it chiefly to the beneficent operation of the Factory laws, adopted as they have been by the master manufacturers as their truest interest.

EDUCATION OF PAUPER CHILDREN.

The Education of Pauper Children. By E. CARLETON TUFNELL.

THE establishments for pauper children are, perhaps, the only description of schools in this country in which there is the strongest necessity for not confining education to its ordinary meaning of intellectual instruction, but that it should be extended to the whole nature and being of the children, and that especial provision should be made for their intellectual, moral, physical, and industrial training. If any one of these four points is neglected, retribution is visited not only on the poor children themselves, but in the shape of an onerous tax on the ratepayers of any parish that thus mismanages its pauper schools. The managers of these schools differ from the managers of ordinary parish or boarding schools, as they have not only to provide the children with instruction, but to fit them for gaining a livelihood, and to find situations for them. If their school training does not fit them for independent service, they are inevitably returned on the manager's hands, to be maintained at an expense of not less than £13 per head per annum, or, by falling into the ranks of criminals, burden the com-

munity to three or four times that amount. If their moral and religious education is not attended to, they are returned for want of character; if their intellectual training is neglected, they are returned for stupidity; if their physical training is overlooked, they come back for want of health; if their industrial—they are sent back because they won't or can't work. I have seen the most serious evils arise from the neglect of each of these four requisites, and as the experience of the last twenty years has been sufficient, in my opinion, to point out with certainty the source of these evils, and the efficient remedies for them, I will take leave in this paper to show what pauper schools have been, and what many of them unhappily still are, and what they may be.

The main error that has been committed in the education of pauper children, has arisen from the practice of establishing the schools under the same roof with the adult paupers. Before the introduction of the present system of poor laws, it was discovered by the commissioners who inquired into the former system, that one-third of all the children brought up in workhouses turned out badly; *i. e.*, two out of every three children became either paupers dependent on the parish, or thieves or prostitutes. It is true that very generally, now in fact almost universally, endeavours are made to separate the adults from the children, by keeping them in separate wards; but the separation cannot be effectual when both reside under the same roof. Mr. Cumin, one of the assistant commissioners for inquiry into the state of popular education in England, remarks in his Report published last year, "It seems impossible to exaggerate the spirit of lying, low cunning, laziness, insubordination, and profligacy, that characterize the pauper class in workhouses; and this spirit naturally infects the mass of poor children who are brought up in so pestilential an atmosphere." This commissioner states, that from a list furnished to him of the children who had been placed out in service from one workhouse, it appeared that, out of seventy-four girls, only thirteen were known to be doing well, and of the fifty-six boys, only eighteen. In another workhouse, where I myself had made the inquiry, I found that out of thirty-nine boys who had been brought up in the workhouse school, two had been transported for ten years, four for fifteen years, one for twenty years, twelve had been imprisoned, and only seven were doing pretty well. Again Mr. Sutton, the master of the Greenwich workhouse, stated in evidence before Sir J. K. Shuttleworth, that of the girls brought up in that workhouse, "by far the majority have turned to prostitution," and that at least a third of all the London prostitutes had been brought up in workhouses. The Rev. Mr. Davis, the chaplain of Newgate, declares that the worst prisoners he has had to deal with are those who have been workhouse inmates; and Mr. Chesterton, the late intelligent governor of Coldbath Fields prison, says in his work entitled "Revelations of Prison Life"—"Various metropolitan workhouses caused their refractory paupers to be committed to Coldbath Fields prison up to September, 1850, and we witnessed in the demeanour of young girls, from fifteen years of age and upwards, such

revolting specimens of workhouse education, that the exhibition was at once frightful and disgusting. The inconceivable wickedness of those girls was absolutely appalling. Their language, their violence, and their indecency, shocked every beholder." There is an excellent society established in London, called the Rescue Society, whose chief object is to recover degraded and fallen women. Mr. Daniel Cooper, the secretary of that society, says in a letter written two months ago—"We find the workhouse cases the most hopeless that come under our notice; they have no sense of obligation; gratitude is a feeling quite strange to them. At a workhouse they find no one to call forth their best feelings. Individual affection is lost. Whenever a workhouse case is brought before us, we endeavour to reject the case by sending them to apply elsewhere."

It is extremely difficult, by any ordinary examination of a pauper school, to form a sound judgment of it. In fact, the common tests that are applied to village or national schools, are often passed to perfection in pauper schools which are really extremely bad ones. The explanation is, that the intellectual instruction, which it is easy to test, is frequently excellent; while it is almost impossible, or at any rate very difficult, to test directly the moral and industrial condition of the children, and, if these two last matters are not attended to, the school utterly fails in its object. I have now before me a remarkable instance of a workhouse school, in which the children invariably passed so excellent an examination that they excited the wonder and admiration of all who heard them. It was impossible to puzzle them by any fair question in religious knowledge, geography, grammar, or history. They could sing extremely well in parts, and write out, in copperplate hand, the reign of any English sovereign that was demanded. The diocesan inspector gave as favourable a report of the school as myself, and, if any further proof was required, it stood the competitive test triumphantly. In the archdeaconry in which it was situated, prizes were yearly given, for which nearly all the schools of the archdeaconry competed, and in this rivalry the pauper school always gained the greater proportion of the prizes.

In one particular instance all competition was fairly beaten out of the field, and I was amused by the reply of a boy in a national school, who was asked why in one particular subject the workhouse boys were left without any competitors, as his and other schools might as well try for the prize. The reply was—"Oh! it is of no use to compete with the pauper boys; of course they will beat us."

Yet, in spite of all these triumphs, the guardians, after a long and close investigation, unanimously determined that the school was unsatisfactory, broke it up, and sent all the children away from the workhouse. I fully concurred in their resolution.

The explanation of this apparently anomalous result is simply what I have hinted above. The children were instructed intellectually in first-rate style, but their moral and industrial education was defective, and hence many of them turned out ill when provided with situations, and the main object of all sound education was not attained.

The commissioners appointed to inquire into the state of popular education in England, have clearly established in their Report, presented last year to Parliament, that the remedy for the lamentable state of things I have been describing, is to be found by the removal of the pauper children from the houses in which adult paupers are received. This removal has now been accomplished for the whole of the pauper children of London, with the exception of about a sixth, and in several large towns, with the most satisfactory results; and though I am far from asserting that these schools, separated from the workhouses, are perfectly successful, yet, even under inferior management, the improvement resulting from the separation is so great as plainly to indicate the course that ought to be pursued in the education of pauper children; they ought to be congregated in schools completely separated from workhouses, and where no adult paupers are allowed to enter.

I have given above some proofs of the lamentable effects of workhouse education on the future career of the children, and I will now contrast it with the results produced when the pauper schools are removed from the workhouses. The Rev. E. Rudge, who was for five years chaplain of the North Surrey District School, has given a history of the condition of the children when first admitted into that school from the London workhouses, and their state when the school had been in operation five years. The contrast is most striking, and, in reading it, one's mind seems divided between the opposite feelings of dismay and regret, that children should ever have been so maltreated, and pleasure that so complete a remedy should have been applied. After describing their deficiencies of religious knowledge on entering the school, he proceeds—"Their conduct outside the schoolroom was of a piece with their performances within. The slightest restraint exercised over them was immediately revenged by the destruction of property—a trait peculiarly workhouse. Indeed, I believe it was the opinion of the architect that, during the first month, nearly £100 worth of damage was wilfully done to the building, in the demolition of windows, window-sashes, tiles, &c. Scarcely a day passed without two or more boys absconding. Their habits were most filthy and revolting, and their language of the same character. Not a single boy ever thought of uttering a private prayer, and their conduct at public and family devotion was most listless and inattentive. The girls were, if possible, in a lower condition than the boys, considering the difference of sex, with the exception of those from one of the parishes."

Five years rolled on, and how different is the chaplain's description. Speaking of the moral effects, he says—"The bailiff and master tradesmen are instructed to make a daily return to the schoolmaster of any disobedience or bad conduct they may notice in the boys under them. But whereas, at the commencement of our labours, such reports were of constant occurrence, and they had to complain of frequent insolence, and occasionally even of personal violence, they are now very rare indeed. The vicious habits, which once occasioned me so much pain

and anxiety, have almost entirely disappeared; corporal punishment is becoming almost unknown amongst us; they have learnt, without any other compulsion than that of gentle persuasion, the practice of private prayer; their behaviour in chapel, once so mechanical, is now so reverent, and apparently (I hope also really) devout, as to strike every occasional visitor with surprise and delight; and, while their rude behaviour has been entirely subdued by firmness, I believe that we have succeeded in gaining their confidence and even affection. They no longer look upon labour as an irksome task, but rather as an honourable and pleasurable employment; and I am convinced that there is not a boy in the whole school who would not shrink from a return to the workhouse as degrading, so long as it were possible to gain a livelihood by honest industry. Their very appearance is wonderfully altered for the better. They have lost the slouching gait, and dogged sullen look, which formerly too clearly betokened their origin and habits."

The only fair mode of testing the real efficiency of schools, is by discovering how the children behave themselves when they begin an independent career in the business of life. This is comparatively easy in pauper schools, as, when the children are so mis-educated as not to be able to maintain themselves in independence, they are usually returned on our hands, and thus, by the burden they impose, visit with a just retribution the parishes that have neglected their pauper children.

A return has lately been presented to the House of Commons, professing to show the number of children who, having been in the workhouse schools in England and Wales for not less than two consecutive years in the ten years ended 1860, have left for service, and the number of such children who have returned to the workhouse for misconduct; and a similar return as to district schools.

The return, however, is quite worthless. The object of the movers, of course, was to contrast the efficiency of the education in workhouses with that given in pauper schools not in workhouses. But in using the term "district schools," to designate non-workhouse schools, the framer of the return forgot that many large parishes, in London especially, have removed their children entirely from workhouses, and placed them in establishments, which, though not technically "district schools," are really so to all intents and purposes, and ought to be classed in the same category. Owing to this blunder, the workhouse schools have taken credit for results that really belong to non-workhouse schools.

The Stepney Union, for instance, has long maintained an excellent pauper school far removed from a workhouse, and during two years, 711 boys and 756 girls have been placed in situations after being educated there; and of these only fourteen, less than 1 per cent, are known to have misconducted themselves; and yet this school is classed in the return amongst workhouse schools.

I have taken the liberty of analyzing the return so far as relates to the county of Middlesex, by separating the schools into workhouse

and non-workhouse. The result is, that in non-workhouse schools, of the boys 2 per cent. have been returned for misconduct, and of the girls, 6 per cent. This result is extremely favourable; and I think it will be found that few schools of any class of society can show a better return as respects the career of their pupils when launched into the world. But, as respects those children who have been brought up in workhouses, the parliamentary return gives a very different account. Of the boys, 11 per cent. have misconducted themselves, and of the girls, the large number of 20·7 per cent. In other words, if the boys are brought up in workhouses, they turn out nearly six times as bad as when removed from workhouses, and the girls are worse by more than threefold.

The above result, which I have deduced from the parliamentary return, fully bears out the opinion I have expressed of the superiority of non-workhouse to workhouse schools; but I believe that, if the return were made out with greater care, the contrast would be still more marked. Most of the large non-workhouse schools have officers attached to them, whose duty it is to inquire after those children who have been placed out in service, and thus they soon become aware if any of them have fallen by vice or dishonesty; but no such officer is attached to workhouse schools, and hence the future misconduct of the child is often unknown. In one case the guardians of a small country workhouse positively declared that no girl had turned out ill; but on investigation, no less than twelve were found in a state of degradation. The fact is, the girls, when thoroughly lost in character, generally do not return to the workhouse at all; and, in order duly to discover how many turn out ill, the inquiry should be made, not in the workhouses, but in asylums and penitentiaries, and of those associations whose object is to recover fallen women.

It will be observed in these returns that the girls turn out far worse than the boys. More than one-fifth of all the girls brought up in workhouses are returned for misconduct. I may be excused from alluding more particularly to the degraded state which is the unhappy lot of many of them. And though from the non-workhouse schools comparatively few—viz., 6 per cent only, instead of 20—misconduct themselves, still this is a number which might and ought to be diminished. I find, on investigation, that the chief cause of the degradation of these girls is their uttter friendlessness. They may be provided with good places as household servants when they leave school; but if by any chance they lose their places, they have no home to go to in the interval that elapses before they get fresh situations. Being destitute, they apply to the parish authorities, and, as they are too old to be returned to school, they are placed in the adult wards of the workhouses, and their certain ruin is the result. I believe that no place on earth can witness a lower state of degradation than may be seen among the able women in a London workhouse. I have given, in the commencement of this paper, the opinion of some of the officers of gaols on the character of the girls sent to prison from workhouses.

Now, one of the chief evils under which these destitute children labour, arises from the absence of all the social and family affections in their treatment in pauper schools. They have no real holidays. They rarely see any one except paid officials, nor any one who will take a motherly interest in their well-doing. Hence, I have been anxious to see these schools visited by independent ladies and other persons, who would take an unbought interest in the children's welfare, and supply to some extent the unnatural void of parental affection, which has so deadening an effect on the character and feelings. But the chief remedy as respects the girls, would be the foundation of homes and refuges where they might be taken in on the loss of place, and so saved from the ruin that is almost certain to attend their reception into the adult wards of workhouses. Some few homes of this description have been founded, and with such marked good effect as to prove plainly the applicability of this remedy. Among these I may specially mention the Brockham Home, established near Reigate, by the Hon. Mrs. Way, which is a model of what such institutions ought to be. I think that every pauper district ought to have such a home attached to it. The chief difficulty in the education of pauper boys proceeds from errors in their industrial training. There is no difficulty with girls as respects the object of their industrial education, since it can hardly be any thing else than the formation of household servants. But with the male sex the difficulty is considerable; and having tried nearly every possible industry that could be introduced into a pauper school, I find the best are, the instruction of the boys in music, with the view of preparing them for regimental bands, instructing them for the naval service, and as engineers. Now, none of these occupations can be introduced into small schools, owing to the large expense in providing the necessary apparatus; and hence I have invariably found that the largest schools for boys are the best.

It is a general rule as respects pauper children, that the farther they are removed, when launched into the world, from any relations or acquaintances they may have formed previous to entering the school, the greater is the chance of their conducting themselves respectably. And it is easy to understand why it is so. They almost invariably come from the lowest class. Their title to be received is their own or their parent's destitution; and we know how generally destitution is the product of vice and crime. Another remarkable conclusion from experience is, that the orphans almost invariably turn out the best, obviously because they have no parents to demoralize them.

I have investigated numerous cases in which these children, when provided with situations, have fallen into disgrace by criminal or vicious habits; and in nearly every case, with boys especially, almost universally, I have found that their fall has been owing to parental influence. Hence the desirableness of choosing such occupations for them as shall take them away from their old haunts and acquaintances; and hence, too, the superior chance which orphans have of becoming honest and independent workpeople. It is a mournful but

undoubted truth, that with this class of children their parents are their worst enemies.

I will add a few words on the physical training of pauper children. They are almost invariably of the lowest bodily type. They usually enter the schools half starved, stunted in growth from the hardships they have endured, and infected with several diseases, the results of their miserable course of life. Yet such is the excellent management in the district pauper schools, that the children literally seem to receive new bodies, and their health, as tested by their death-rate, might be envied by the wealthiest families in the community. In the three large district schools near London, there were twenty-six deaths last year, on an average number of 2506 children, or a minute fraction above one per cent. I have endeavoured to ascertain what proportion of this class of children, not in pauper schools, die yearly in London, and I find that it cannot be reckoned at less than twelve per cent. In other words, the difference between one and twelve per cent. shows the number of lives that are yearly saved by the institution of these schools, or these three schools alone, on the number of 2506, yearly save the lives of, and turn into productive workpeople, 275 children. To show that I am not exaggerating, I will mention individual schools. In the large pauper school of St. George the Martyr, the deaths last year were 1 per cent. In the Whitechapel schools the deaths were one-third of 1 per cent.; but the most remarkable instance of all is in the South Metropolitan District School, where, on an average of 800 children, only one death occurred in fifteen months!

No children in any other class of society have health equal to this; and I may be asked how it has been brought about. My reply is, by simply attending to sanitary regulations, which are almost universally well known, and almost as universally neglected. Their food and clothing only cost 3s. 3d. a week, so there can be nothing very recondite or costly in their dietary. The explanation is, that they are all half-time schools, and thus the time of every child alternates between physical and intellectual employment, the best arrangement for preserving the health of both mind and body. All those who are capable of it, are subjected to military or naval drill. Good milk, one of the most essential ingredients in children's dietary, and so difficult to be bought pure, is assured to the schools by keeping cows on the premises. Green vegetables, as necessary to children's health as milk, are provided in abundance by the boys' labour, and unadulterated bread is made by their own hands. But, above all, an abundant supply of pure water is drawn from wells by a steam-engine in each school, and thus cleanliness is enforced by continual bathing, washing, and change of linen, to an extent that is unknown in higher class schools.

To show what may result from a neglect of these sanitary measures, I will allude to what pauper schools were a hundred years ago, when Jonas Hanway proved, in a pamphlet he published, that in some London workhouses which he named, 80 and 90 per cent. of

the children died in the course of the year. And in some instances this mortality extended to 100 per cent., or not a single child who entered the workhouse alive survived to the year's end. If we contrast this mortality with the 1 per cent. to which we have now succeeded in reducing it, the improvement will be glaringly obvious.

I will conclude with one observation on the orphans. The pauper orphans, or *quasi* orphans, form 60 per cent. of pauper children. These are invariably the children who turn out best, and form, in fact, the flower of the schools. I am acquainted with several clergymen, diligent workers in their parishes, who have risen from this lowly origin. It is a curious fact that exactly the same proportion, or 60 per cent., of children convicted of crime are also orphans. Hence it is clear that, as we treat the pauper orphan class, we may convert them into a blessing or a curse to the community. Place them in such schools as I have mentioned, and they will turn out the very *élite* of the labouring classes: neglect them, and they will visit on us this neglect by crime, pauperism, and prostitution. There are 52,125 children now in pauper schools; 60 per cent., or 31,275, are ready to recruit the dangerous classes, or to form the very best material for contributing to the wealth and happiness of society.

I will end with four conclusions, which the preceding remarks appear to me to establish:—

1. That all in-door pauper children should be educated in schools far apart from workhouses, and where no adult pauper is admitted; and that though this rule may admit of exceptions in some agricultural districts, it should never be departed from in large city populations.

2. That it is desirable that the schools, in the girls' department especially, should be open, under the sanction of the managers, to the frequent visits of persons who take an interest in the welfare of this class of children.

3. That in placing the children out to service, care should be taken to find them situations as far removed as possible from their former acquaintances and localities inhabited by them previous to their becoming paupers.

4. That Homes or Refuges should be provided, in which those girls who happen to be out of place after leaving the schools for service should be received on a small payment up to the age of twenty.

On the Education of Pauper Girls. By Mary Carpenter.

The education of the female sex is one of the most important problems of the present day. If, at all times, it is essential to the well-being of the human race, that those to whom is committed its early nurture should be duly prepared and educated for those important duties; at the present day, when female emigration is pointed to, on the one hand, as the only means of relieving society of an enormous and

unprofitable surplus of female labour; and, on the other, we are warned that untrained and helpless women are as little wanted at the Antipodes as here—it is especially evident that women, in order to do their true life's work in any station, in any part of the globe, must be educated.

But for this simple proposition to be practically adopted by the country, we must wait at least for another generation to pass, and only hope that all the mistakes of this present one—all the difficulties and trials consequent on them, all the lessons which have been given by the experienced, and forgotten as soon as received by the thoughtless—that all these may have had some small due effect; we can only hope that when we are gone our words may be remembered. But with respect to the girls who are the subject of this paper, we need not wait for them, or their parents or friends, to be convinced that our views are sound and ought to be carried out. They, the next generation, the mothers of the one that follows, are in our hands, the hands of society, to be trained as the most enlightened educationists of the day may deem best. We see enormous evils round us which we cannot remedy, we behold multitudes of young girls springing up in our midst to misery and ruin, and we cannot stretch out a helping hand to save them; for they have low, ignorant parents, who know nothing and care little about their daughters' true education. Some, perchance, have sunk so low, and been so ill-trained, that the law interferes and takes them out of the hands of their parents; and we stand on this bad foundation to raise a good superstructure in a Reformatory. But the workhouse girls are our own charge; we have the sole responsibility of them; the Government is not sparing in its allowance to their teachers, devoting some £30,000 annually that workhouse children may be well trained. The parents cannot interfere. There is no criminal taint to be washed out. We have every opportunity in our hands of rearing up another generation of wives and mothers far better than the present, or of preparing a better race of female emigrants to our colonies, and we are not doing it. Whether we ask commissioners on education, or inspectors, or visitors of workhouses, or governors of gaols, we shall have the same mournful answer from all. However they may differ in other matters, they will agree in this—that, bad as is the education and training usually given to boys in ordinary workhouse schools, the girls receive one even less calculated to fit them for the duties of life; and the exceptions to this general experience will only be where there has been some special influence exerted to counteract the evils of the system. We require thus to study closely what is the cause of the evil, and to consider how it may be removed.

Let us first endeavour to ascertain what kind of education should be given to pauper girls.

We use the term pauper girls because it is the common one to designate the class before us; but we could wish to see it altered. Children ought never to be considered as paupers; they have committed no act of their own which should degrade them. Children

must always be dependent on others for their support; nature assigns to the parent the support of them; society discharges to the child a duty which the parent cannot, or does not, perform. All human beings, in a free and Christian country, should be regarded as entering the world free and unstained by any acts of others—all equal in the sight of the Creator. We must divest ourselves therefore of the idea that a child, because in a workhouse, is less entitled to care than the highest in the land. We are then now to consider how best to train young girls for whose education we are responsible—young girls who are to be fitted to maintain themselves honestly, and to take their proper place in society. Let us think of them simply as young girls, not as pauper girls.

Every girl should be so learned as to be able to fill the duties of a home; whatever else may be superadded, this is essential; and the requirements of a home are so varied, that to fulfil them well she must, in learning to discharge them, have learned what will enable her to turn her hand easily to varied branches of industry, should such be needful. The girl is especially adapted by nature for a home. The boy loves to roam—he delights in enterprise, in action; though he generally treasures the love of his mother in a sacred recess of his heart, yet his affections are not bound up in his home—he does not pine for it; though he may long to return to the scenes of his early sports, yet he longs still more to rove over the world. The girl is totally different. The affections have large sway over her whole being. Nature has given her varied scope for them in the true home. She is the object of the tender love of the parents, and of her brothers and sisters, and love is constantly awakened and called out by her position in the family. She has the babies to fondle and nurse like a little mother herself; she has a thousand household cares to attend to, and learns cooking practically while she helps to get her father's dinner; and if the eldest girl feels herself a very important help in the house, after going regularly to a good day-school, and learning needlework, and enough of reading, writing, and arithmetic for all common purposes, she is prepared at fourteen to take her humble position in life as a little servant, or her mother's helper and right hand, and to fill it with credit. A real good home is infinitely better than any school for the education of girls—even a second-rate or a third-rate one is preferable. There her true nature is developed, and, unless she is thus prepared to fill its duties well in after life, all other teaching is comparatively useless.

Now, though it is impossible for us by any artificial contrivance or ingenious mechanism to equal, still less to surpass, the training which the Heavenly Father, through His all-wise natural orderings and arrangements, would have given to the girl, yet we must always have before us the true and perfect prototype, if we would discharge towards these children the duties which are thrown upon us by the inability of their natural guardians to discharge them. We are to think of them as a number of pauper children, who must be taken care of at as little expense as possible, but as young girls who, when

, to womanhood, will be the bane or blessing of the next ıtion, and whom we must prepare for their part in life to the f our ability, as fulfilling a solemn duty.

s then essential, in the first place, that the home element shall de as much as possible an essential one in every institution for ception of all young girls, whether orphans, or deprived from ver cause of the care of their parents. With the home must e combined the school. We have already spoken of the peculiar ence of the training obtained in the home; that received in a is hardly less important. No one who has studied a good can fail to have observed of what immense value it is to the independently of the amount of knowledge acquired. That l is obtained in a far superior way, under the present enlightened of instruction, to what a child could meet with at home; but, s, the faults of character are more easily and effectually corrected, ne tendency is checked which the very excellence of a home is foster—to regard self as of undue importance. No one can go well-managed infant school without observing all this, and ving that these children are being better educated than is usually se in the nurseries of the rich, where young children are often ıder the care of a nursemaid but little acquainted with the prin- of education, and who is anxious to purchase peace and quiet lding to, and thus fostering, the capricious tempers of her charge. hool for the infant department of pauper girls and boys com- may then be much like an ordinary infant school, managed by , loving, and trained teacher, but it must be supplemented by a rly and sisterly care when the school-hours are over. Every requires to feel that it is the object of individual love and ness. If this is wanting, and if the little creature is not d from all injurious sights and sounds which would produce an eably bad impression on its young senses, and if its weak and ly diseased constitution is not carefully studied and strength- if all this is not done for the pauper infant, as we would do it r own, we shall not only have much to eradicate as it grows but it will be impossible for any after instruction to counteract effects of the first neglect.

young girl leaves the infant school perhaps at eight years old, nger. It is possible, though barely probable, that in a large school, if under the care of a motherly matron who infuses her into all the officials, the want of a true home may be supplied ırtain extent to the young child; and the judicious development aculties, with discipline of its passions and self-will, and loving e of its affections, may prepare it well for the next stage—the le department. But in this the want of the true home-training cially felt, and cannot be supplied in a very large establishment. have already stated, the girl must be prepared for the varied of a home. The boy has his different faculties called out, and lividual powers and tastes developed in many ways in the in- l occupations which he may be engaged in, even if placed in a

large institution. Agricultural work affords a boundless variety and exercise of his different powers; his natural energies, and even his destructive tendencies, may be so exercised on the materials of industrial work, as to train them well and turn them to good account. He may be happy and do well. But a girl in a large institution is in a perfectly different position, and I would beg to lay great stress on this point. Her work is not varied in the same manner, and washing and house-work poorly take the place of gardening, carpentering and other trades. If the institution is large, the managers usually endeavour to economise labour by the introduction of washing machines, wringing machines, drying closets, and other contrivances which are most valuable if the object is to save labour, but most injurious if the object is to train the girl. She must leave such a laundry not only utterly incapable of going through the necessary processes in an ordinary house, but, what is worse, with her mind quite unprepared to use its faculties in actual life. The dormitory work does not teach girls how to perform the housemaid's ordinary duties, and the cooking is necessarily on so large a scale, and so managed, that few comparatively out of only one hundred girls can learn it at all, and even these may be quite unacquainted with the way to boil a potato, or make a common family pudding. In a large school for several hundred girls, I have seen the kitchen provided with such conveniences for cooking, and even the potatoes were steamed in large trays, and there was nothing in it to give one an idea of a common kitchen; the girls were not even employed to bake the bread—an admirable industrial occupation, most useful to girls in many respects; the laundry was chiefly filled with women, who of course could get through the work quicker than girls, and thus they lost the opportunity of learning; even needlework, the woman's special and peculiar art, loses in these large establishments. In the one I have alluded to, a contract was entered into for the clothing; and though the girls made their own clothes and the shirts of the boys, they never learnt to mend either, or acquired the valuable art of keeping themselves neat and tidy with old and patched clothes,—a most important one for young persons in the humble walks of life. In another large boarding-school for girls, very fine needlework is taught; and thus it may be supposed that a means of earning a livelihood is put in the girls' hands. First-rate needlework is produced in the school, which adds to its funds; but yet the girls are not trained to be good needlewomen, because, in order to procure more quickly well-made articles, each girl learns one part of it only, and may thus be entirely confined to making the wristbands of shirts without learning to make the other parts, or to put together a whole garment. All experienced visitors whose opinions I have heard respecting the first institution of which I have spoken, have been much struck, as I have myself, with the heavy dull look of the girls in it; nor have I ever been able to hear that they are sought for or valued as servants, admirable as is the order and arrangement of the institution. Neither of the two is a workhouse school; both are under the exclusive management of gentlemen. An

rls, then, from the time they leave the infant school until within a ar of their being likely to go out to service, should be placed in hools not too large to admit of a distinct family feeling and family anagement. Nor should these schools be mere subdivisions accord- g to age, learning, &c., of a large number. If it is necessary to ngregate many in one locality, let them be divided (as is done with ll success at Lancaster, U.S.) into genuine family homes, where the fferent ages and varieties of temper of the girls may prevent the jurious monotony; where there may be real home duties which even e youngest may learn to perform, and where home affections may cherished. With such an arrangement all the separate homes might ite in one common schoolroom, and thus all the advantages of onomy and superior classification be obtained. The size of these mes may vary from twenty to thirty, but should not exceed forty rls. After the girls have gone though this ordinary home and hool training, it would be highly desirable that they should be aced where they can obtain more special training for their future ork in life—in separate homes, where they should have somewhat ore liberty, and have more preparation for the particular mode of fe they are intended for. Mrs. Way has admirably carried out this an in her Brockham Home for Workhouse Girls of about fourteen ars of age. In some districts, homes connected with factory work ight be valuable, but they should still exercise a parental tutelage er the girls. In all cases where the girls are actually put out to rn their own living, a friendly interest in them should still be main- ined; and there should be a home to which they can return during mporary loss of employment, as in Miss Twining's Industrial Home. hese prove that girls must still feel that they have friends; that they e not uncared for; that there are those who grieve when they do rong, and rejoice at their successful career.

Such, I believe, is a brief statement of what ought to be the lucation of workhouse girls. I need not say that it is not of this aracter in our country. There are doubtless some few and ex- ptional cases, where the country workhouse, under the manage- ent of some benevolent and judicious guardians, aided by lady sitors, becomes a true home. But these exceptions only prove the le. Even in well-managed workhouse schools, quite separated from e adult paupers, the girls look listless, and in a very inferior con- tion to the boys: this I have myself observed; nor, if the principles ere laid down are admitted, is it at all difficult to assign the ason for this. If there is any connexion between the workhouse r adult paupers and that for children, none can tell what contami- ation is the consequence; what influences are imbibed, even by oung children, who are placed for care with female paupers, it ay be, of the lowest character. A pauper element is infused into em from earliest childhood—an element devoid of all that is good, r would defend from evil in the female sex. Hence the appalling ct, which was revealed in a recent Parliamentary return, that uring the ten years ending December 31, 1860, 1,736 young

girls returned to the workhouse—being double the number of boys; and 1,896 returned, not from misconduct, but to become a burden on the country. In January, 1859, there were (as stated in the Poor Law Report, p. 189) 12,353 illegitimate pauper children. This awful fact speaks for itself. Are we going to rear up these twelve thousand infants as we reared their mothers? and as we reared the multitudes of wretched girls who did not return to the workhouse, but found their way to penitentiaries and gaols? Such facts ought to be widely known by the country, and then we believe that the country would demand an entire alteration of the whole system. No palliatives will avail to cure a system which is based on an entirely false principle. No home feeling can exist in any institution in which voluntary Christian effort does not infuse some of that love which was appointed by the Creator to be the very atmosphere of childhood. No guardians appointed to administer poors' rates ought ever to manage schools for the children. No men, however wise and good, ought to superintend institutions for young girls. The children ought all to be separated from adult paupers, and begin life anew, free from reproach; and the management of them should be committed to benevolent and enlightened women, under whose direct control all officials should be placed.

We shall be told that it will be impossible to find voluntary workers among the female sex, who will undertake so enormous a work as that of managing schools for all the pauper girls in the country. A similar difficulty was made ten years ago, when we, the voluntary workers, asked the Government to give into our care the criminal children, who were becoming an increasing burden to the country in gaols. The Government gave us the needed authority and pecuniary aid, and there has been no lack of managers or teachers adapted to the work. Women have been making a rapid advance during the last ten years in the power of working for themselves and others. Numbers of ladies have already devoted themselves to workhouse visiting, and will doubtless be ready to take the less painful and difficult work of managing the schools for young girls.

Now, such a change in the present order of things may be effected, I stated in a paper read before another section of this Association last year, entitled "What shall we do with our Pauper Children?" I also stated it in my evidence before the Poor Law Committee last year. It does not fall within the province of the present paper to discuss it; but only, after considering the principles of the education of pauper girls, to express the strong conviction that this cannot be carried out efficiently, either as regards the country or the children, except by voluntary benevolent and Christian agencies, combined, as in the case of schools for juvenile delinquents, with inspection and pecuniary aid from the Government.

) invent a new name, for the pleasure of inventing it, is exceed-
ingly foolish. The folly is not much less of adopting an old
e because it is old, and applying it to times and circumstances for
h it was not intended. If Working Men's Colleges are merely
tutions for the benefit of manual workers, those who founded
have been guilty of one or other of these absurdities; they have
lly chosen a novel title when there were titles in familiar use
h described their intention sufficiently, or they have adopted a
æval affectation, when their business was to meet the wants of
nineteenth century.

hope they have not been guilty of this kind of trifling. If they
, English common-sense is not likely to give them much encourage-
t; a few practical trials are sure to confute their pretensions.
are in the habit of connecting colleges with the preparation for
to be done hereafter. It is well that we should do this. So
re reminded that there are certain general human studies which
the proper foundation of special professional studies; so we are
nded that there are corporations of a more comprehensive kind
those into which we enter when what we call the business of
begins. But physicians, lawyers, clergymen, keep their names on
books of their colleges. Their motive is not, I imagine, that they
eby acquire the doubtful privilege of being called to vote at the
ion of officers in their colleges. They feel that it is good for
to retain a sympathy with a body of men who are not devoted
me peculiar craft; good to be reminded that there is a link
een them and those who studied in the same places generations ago,
may study in them generations hence. So they recollect that
are English citizens before they undertake any special function;
ey are reminded that those special functions must always be
rdinate to English citizenship. That remembrance is some help

What remedy is there for this evil? It seemed to some professional men, who felt it keenly for themselves and their class, that the manual workers might assist them in finding the remedy. If any of the common lore which we bring from college could be imparted to them, it might not become entirely rusty. If any of the special lore which we have acquired since, could be imparted to them, it might be rescued from its narrowness, it might receive its proper human character. But how could either be communicated?

These professional men could not talk of founding an institute for the benefit of the manual workers; it would have been simply a fraud to use such language. They were seeking their own advantage; they were thinking first of themselves and their class. It was a commercial transaction. They expected to receive at least as much as they gave. In this difficulty the old names with which they had been familiar from their childhood, which had for them so many sacred associations, occurred to them as expressing exactly the object at which they aimed. A college is a corporation of which teachers and learners are equally members, and yet in which teaching and learning, in their technical sense, cannot be the only, cannot be even the principal, object. A college if it fails to humanize, fails altogether. In such a corporation, according to the old conception of it, poverty had a special reverence. No one was degraded by it. No one was degraded by receiving help from departed friends and benefactors. They had provided for the poor scholar, as such. Yet they had equally designed to rescue the rich from their degradation. If they did not submit to the same processes, seek the same wisdom, they would grow up to be rich brutes, not rich men.

Those men have benefited little by humane culture, who cannot separate the essential radical meaning of a college from the mere splendid accidents with which it is surrounded in places where there are Gothic buildings and beautiful walks. These are, of course, mere honourable additions to it, graceful and becoming trappings, however much they may ultimately contribute to its moral influence. It is more difficult to overcome the other prejudice, that a college is intended for those who have leisure to read and think, not for those who are in the midst of business. But that this is a prejudice, and one which we cast aside—deliberately cast aside as inconvenient and untrue in other cases—I have shown already. So that a college for working men, in contradistinction to a college for men only laying up stores to fit them for future work, is not the least a novel conception. Neither is it a recurrence to ancient habits or monastic practices. It is one specially suggested by the needs of this age, by the turmoil and bustle of modern civil life.

But is there any advantage in such a college over any of those schemes, formed often on a much larger scale, expressly to provide an education for mechanics and labourers, who cannot provide one for themselves? I trust that I am not bound to enter upon such comparisons. I do not see the use of them. A working man's college never can interfere with any of the schemes which are likely to be brought under the notice of this Department, or any

other Department of this Association. It can provide no substitute for the Refuge or the Reformatory. It does not assist paupers. It does not speak to the fallen or degraded as such. Though its classes are in the evening, it cannot be identified with the classes of an ordinary evening school or institute. Though it is an application of the Half-Time System, it is not such an application as Mr. Norris has contemplated.

Perhaps a word or two on these two last points may make its position more intelligible. It is in the evening, only in the evening, that professional teachers can give their time to teaching, or that manual workers can give their time to learning. A college, therefore, must be a place for evening classes. But, all day through, the college will exist. The members of it will be members of it in the midst of their work. The evening classes will not stand aloof from their business, or from their life as English citizens. The classes will be formed to explain their business, to connect it with their life as English citizens. The artist will offer his lessons in drawing, the mathematician his lessons in geometry and algebra, the philologer his lessons in the English language, all with reference to the same end; so that, by one of these links or other, he may claim his connexion with the manual worker, and may invite him to feel his connexion with him. Lessons on English history and English politics will be offered, just as naturally as lectures on any subject directly bearing on the occupations of the mechanic. The lawyer (having, as railway readers know, the precedent of one of the most learned and conservative lawyers of the day, for the belief that it is possible to make some of the details, as well as the principles, of English jurisprudence intelligible to simple people) will employ his skill in that direction. The medical man will show the depth and sincerity of his knowledge, by bringing it directly to bear upon the difficulties or necessities of ordinary people. The profit to accomplished men of being thus compelled to give themselves an account of their own stock; to see how much of it is real and available; to strip off its outside coating of technicalities, I do not think can be well measured.

Still it is an offer; and the offer will not always be accepted. The manual workers may not suppose that what we think best for them is best. They may ask for what we did not think they want, and reject what we fancy they require. I believe there is great advantage in that experience. If we really care to understand our fellow-men, we must submit to many such discomfitures; we must see many fine speculations confounded. In a college, there is an opportunity of finding out what those whom we are ready to teach care to learn. I do not believe that it is necessary or right to abandon our lessons merely because they are not popular, or in all cases to give lessons because they are called for. The body of the college would suffer, and would feel that it suffered, from the omission of classes which, nevertheless, only a few of its members might profit by. And in general, so far as I have been able to observe, the manual workers will pay fully as much deference

to the judgment of their instructors as they can reasonably ask. If there is any wish for democratic ascendancy, I believe it will be the fault of those instructors.

Thus we have a half, or a quarter, or a fifteenth time system, which, nevertheless, is in another sense a whole time system; the college concerning the entire life of the student.

This being the case, the question must needs present itself, Will there not be the same difficulty in these colleges, as in the old, to exclude any science which bears directly upon human life? I think so, assuredly. And therefore the question will have to be asked, What science does bear on human life? I, who think that theology bears directly upon it, should not take part in any subject when I was not allowed to speak of it, and to speak of it exactly what I think. In any college in which I should not insist that my colleagues held the same opinion, I should suffer them to teach honestly and faithfully the subjects which they feel themselves competent to teach. As long as men understand one another, and respect one another, they can work together without compromises. If they should cease to understand one another, and to respect one another, they cannot work together if they have ten thousand compromises. Of course, if there were a great general scheme of working men's colleges, if they were submitted to more general control, there must be a number of arrangements and adjustments. I therefore do not wish to see them attaining that position. I believe it is better that each should come into existence to meet the needs and circumstances of its own particular neighbourhood; that its arrangements should not be regulated by the precedent of any other, or by the direction of any central authority; that it should receive any friendly countenance or help to arrangement from any existing University; that, so far as it avails itself of that countenance and help, it should of course conform itself to the regulations of that University; but that it should do so on the condition of being left to do its own business in its own way.

I have represented Working Men's Colleges as an attempt to combine professional workers with manual workers. This seems to me their special character and object. They are not contrivances by the rich for the good of the poor; they are not contrivances by employers, as such, for the good of the employed. Money differences are not contemplated in them. The position of any worker as a journeyman or servant, does not enter into them. I have used the two words "professional" and "manual," to indicate the relation between the classes which compose them. But I shall be very sorry if it were supposed that men must be members of a professional or manual class in the formal sense of that word, in order that they may establish or conduct a college. I shall be sorry, also, if it be supposed that the manual workers could not from learners become teachers themselves. Every town in England, I believe, will furnish men admirably qualified to give instructions in certain branches of learning. And there are circles of such men who know each other tolerably well, and might know each other much better and avoid many little disagreements and rivalries,

if they united themselves for this object. Whenever they do, I have little doubt that they will find a portion of the manual workers to compose their circle. If they are ambitious—if they must have a large college—and if they will insist upon pressing the good which they offer upon those who do not desire it, they will assuredly be disappointed. But if they rather trust in the influence which an improved and educated body of manual workers will themselves exercise upon those who are indifferent; if they desire quite as much to form teachers of them as to be teachers themselves, they will rather be astonished at the welcome they meet with, than have any excuses for complaining that their labours are in vain. My experience is short and limited, but I am sure it establishes this point, that the failures and blunders are chiefly in us; that there are mechanics who not only care to get all they can themselves, but who are eager to make others sharers of it. In our little college there is a body of teachers formed from the students, who take preparatory classes, and manage them faithfully and skilfully. There is a financial committee formed of students, which has exhibited great skill and diligence in looking into our accounts, and has done its best to keep us honest. With that sort of help, I believe that any college which is free from the lust of building may support itself, even where rents are so high in London, merely by the payments of the students and some contributions from friends, without having recourse to any of the ordinary arts of mendicancy by public meetings or bazaars.

The success has not been the greatest where the supply of teachers would seem to have been the largest. A college throve in Cambridge for a while, when the Dean of Ely and another most efficient clergyman were parochial ministers there. But it has dwindled and fallen. On the other hand, in Wolverhampton there is one which is labouring with great vigour and efficiency. Several have been opened in Scotland, and the first of them is in the native town of Burns. I do not enter into details respecting any of them, as a friend of mine is to speak of the one to which he and I belong in the Social Economy Department. Another friend of mine is about, I believe, to give you particulars of a larger body, the City of London college, which was commenced last year under very distinguished auspices.

I have merely desired to explain what I understand by the name Working Men's Colleges, and what wants in the community I fancy they may meet.

The City of London College. By Edward George Clarke.

It was in 1848 that the movement commenced which resulted in the establishment of the City of London College, and it then had something of a political character; for in that year there existed great and not unnatural alarm as to the disloyalty and the revolutionary tendencies of the industrial classes. And when events had proved that the

great majority of the English people had little sympathy with the empirical demands of the Chartist leaders, many thoughtful and patriotic men feared lest those times of trouble might leave a legacy of distrust and ill feeling between the different classes of society; lest the working man might learn to look upon the rich man as a natural enemy; lest the higher and middle classes might think of the artizan as a beast of burden, who must be kept ignorant, that he might be kept docile. Bishop Blomfield was one of the calmer, and therefore wiser thinkers, who believed that to an honest ruler the ignorance of his people is the greatest of calamities, and he thought that, by the extension of education amongst those who were at that time often called the dangerous classes, the causes of that outbreak of April, 1848, might be in part remedied, and the probable and still sadder consequences prevented. With these views, he urged the clergy, in his confirmation addresses, to do all they could in the Christian education of the working classes, and from this hint arose the evening classes for young men. Several of the London clergy formed a committee, and made arrangements for opening classes for working men, where they might receive instruction from an experienced teacher, and at the lowest possible fees, in almost any branch of literature and science. It was resolved that, in order to save expense, the class meetings should be held in parochial or ward school-rooms which might be granted for the purpose, and in October, 1848, the school-rooms of St. James's, Shoreditch, and St. Botolph, Bishopsgate, were open to the students, and the work was begun. During the first year, seven classes were held, and about 200 students attended them. The fee was very small, for the teachers were almost all clergymen, who gave their gratuitous aid to the work, and the committee were determined to content themselves with small beginnings rather than hazard a total and irredeemable failure. With the numbers in attendance on the classes they were satisfied, but it was soon found that the students were not exactly of that class for which the institution was originally designed. They were not working men—the sharp but untaught workers of the factory, the building yard, or the printing office—but were almost all young men from the large woollen drapery houses of the City, from the Bank, the merchant's counting-house, or the shop of the retail trader. So early as the publication of their first annual report, the committee noticed this fact. "Hitherto," said they "the artizan, generally speaking, has not availed himself of this opportunity, as if he thought that these classes were designed only for the mercantile or professional clerk; but the committee desire to remove this misapprehension, and to publish the fact that they have named low terms expressly in the hope of meeting the necessities of the working man." But the hint produced little or no effect, and very few working men have ever joined the institution. The special object of the work has, therefore, not been attained, and among young men of the class which now supplies members to the College, there is remarkable indifference to social science, and very little interest in the great political questions of our time. Yet I think few will regret that the classes are now

attended by clerks and warehousemen, instead of artizans and mechanics. There is no class whose education will produce more important results. Hereafter they will form a large section of the middle classes of England, the classes who possess the greatest share of political power. I think no one will consider any exertions wasted which may help to raise the standard of mercantile morality, and to improve the education of men upon whose character the future of our country mainly depends. It was soon found that the school-room classes did not supply all the wants of the young men who attended them. Working men usually have homes, however humble, of their own, and are able to marry, with prudence, earlier than those who are above them in the social scale. But clerks and warehousemen either have their lodgings, which boast none of the attractions or comforts of home, or, when they live in the houses of business, they are sorely tempted to exchange the cheerless common room for the amusements of the music hall or the casino. To meet their wants the central home of the evening classes was fixed at Crosby Hall, in Bishopsgate Street, and there, in October, 1851, a reading-room and lending library were established. The reading-room contained all the chief periodicals and daily newspapers, and the library—formed in part of the collection of one of the committee—was constantly supplied with new books. These additions to the scheme have fully answered their purpose; they have afforded the members a means of spending the evening pleasantly, cheaply, and innocently, and I believe have been of the greatest service in keeping the members together through all the difficulties with which the institution has had to contend.

Meanwhile, the number of the members had been steadily increasing at the rate of about 100 a-year, until, in 1854, the classes which had begun with 200 members, now counted 900, and the rooms at Crosby Hall were not sufficient for the wants of the Institution. But the success was numerical, not financial. The fee for each class remained only 2s. 6d. a term, and the subscription to the reading-room, including the right to attend any one class during three terms, was only 10s. 6d. a-year. A debt of several hundred pounds had accumulated, and no increase in the number of members at the then existing fees could have materially altered the annual result. A meeting of the members was therefore held, and it was unanimously resolved to raise the subscription to 14s. a-year, or 3s. a term, and the step was quite justified by the result. Although the number of members was slightly reduced, the books still showed an increase in the amount of subscriptions, while the payments to teachers were of course diminished. But this advantage was nullified by a great decrease in the amount of external help received; the subscriptions and donations from persons not actually members of the classes, which in 1854 amounted to £466, in 1855 only reached £265. and the debt was therefore increased by the change.

The debt was now upwards of £500, and in 1855 another appeal was made to the members, and the subscription was again raised, and was fixed at 5s. a term for each class, or one guinea a year for the reading-room with admission to one class. Again the change made

little difference in the number of members, and in 1857 the income from class fees increased by £120, but another anxiety was now added to the many cares of the Committee. They received notice to quit Crosby Hall at Michaelmas, 1857, and the lease was advertised for sale. After various delays, it fortunately happened that Sussex Hall, Leadenhall Street, was obtainable. A sum of nearly £900 was raised to buy the lease, and in February, 1860, the evening classes were transferred to what we now know as the City of London College. Here their present condition gives every promise of future success. Our financial prospects are better than they have ever been: last term we had more than 850 members, and in the present term, when the numbers are always injuriously affected by the out-door attractions of summer, we still have above 800 on our books. The ages of these students range from 16 to 54, the great bulk, however, being between 18 and 28. No less than two-thirds of the whole number describe themselves as clerks, and of the remainder, many are teachers, stationers, engravers, draughtsmen, and messengers.

The present constitution of the College is so far different from that of any other Institution with which I am acquainted, that I believe a short account of it will be neither uninteresting nor useless. It had often been thought that the Committee, however energetic and well-meaning, was necessarily disqualified from managing some part of the work. Such committees usually consist, as did ours, chiefly of clergymen, who could not be expected to know so well as the members themselves what arrangement of details would serve best to induce students to join. With all the larger questions of the administration the Committee was perfectly competent to deal, but what was wanted was some evidence of the feeling of the students, and of the way in which small defects might be remedied, or improvements—important, though apparently trifling—might be introduced.

The constitution which at present governs the College came into operation in October, 1861. By this scheme the subscribers to the College are distributed into four classes—*Associates*, who have attended the College for three years, and obtained from it or from the Society of Arts not less than three first class certificates; *Members*, who have obtained one such certificate; *Certificated Students*, who have some certificate from the College or Society of Arts; and *Uncertificated Students*, who have no such qualification. The latter class take no part whatever in the government of the College. The governing council consists of thirty-two persons—The principal, who must be a clergyman of the Church of England, the president, ten vice-presidents, and twenty members; the vice-presidents and ten of the members being elected by the other members and certificated students, the other ten being elected by the members only. Nine of the council retire every year, but may be re-elected. Thus our franchise strictly depends on an educational test. No one can be a member of the council who has not a first class certificate. No one can be an elector who has not attended some class for three months and passed a satisfactory examination. So far as we can judge at present, this constitution answers its purpose well.

The council is divided into committees for finance, education, and general purposes, and as its members are themselves students, passing one evening in the class-room and another at the council-table, the test of the members' requirements, which, singly unimportant, yet make the whole difference between financial failure and financial success, is, I believe, as perfect as well can be devised.

Our experience so far has been quite sufficient to show, that the managers of any institution of the kind would derive much financial advantage from admitting to their councils some of those who are actually working in the classes and know the feelings of their fellow-members; while, on the other hand, it has shown that the members must always be treated to some extent as an independent body, and can never be made financially responsible. This is just such an arrangement as we should like to see successful, for it makes a member's influence in the government of the College depend entirely on the real work which he has done in the class-rooms. But we have not chosen it for this. Every clause of our constitution has been dictated by the experience of past years, and it will be seen, from the rules as to associates and members, that we may hope that every future session will not only bring to us new students, but will attach many of the old ones yet more firmly to our body. One of the greatest defects of our former system was that there was nothing to bind men permanently to the Institution. They came and paid certain fees and attended certain classes; but when, from inclination or circumstances, they ceased to be actual learners, their connexion with us dropped altogether, and in losing their influence over the younger members we lost a most valuable source of strength. Now, however, a student who has stayed with us for three years, and become an associate, will never cease to belong to the College. His name will always be upon our books; he will be entitled to use the Library and Reading Room without paying any fee at all, and to join the classes at half the usual charge.

The account of our work would be incomplete if I did not mention the name of the Rev. Charles Mackenzie. He founded the "Evening Classes," and has upheld them in all difficulties and dangers with a rare combination of unfailing enthusiasm and practical administrative ability. Never losing hope, ever willing to hear suggestions and carefully to consider them, facing all opposition with unwavering courage, and making constant personal sacrifices in the cause, he has taught the members a higher and more useful lesson than they could learn in the class-rooms, and the personal loyalty which he has inspired kept them together at the most critical part of our history. In the Rev. R. Whittington (now Principal of the College) he found a fellow-worker worthy of himself and of the cause.

The great examination question has, of course, required much consideration on the part of our committee during the last few years. The middle class examinations of the two Universities have hardly affected us at all, as we rarely admit members below the age of sixteen; but the Society of Arts' examinations, and the competitive examinations for Government situations, have materially affected our work. In 1852, and the three following years, examinations of our

own students were conducted at Crosby Hall by gentlemen of the highest attainments, who gave their services for this purpose; but, in 1856, the Society of Arts put into operation the admirable examination scheme which, as I think, is one of the greatest benefits we owe to that excellent and wisely-administered society.

At the first examination which was held in London alone, seven prizes were given, and three of these were obtained by Crosby Hall candidates. The next year we won six prizes out of twenty. In later years the system has been very widely extended, and local examinations have been held in all the principal towns of England. But I believe that on each occasion the evening classes at Crosby Hall have maintained their superiority to any other institution in the kingdom. These successes have, of course, helped us greatly. They have caused old members to prolong their attendance at their classes, and have doubtless induced many to join our ranks. But their good effects have not stopped here. For several months of the year many of our members are preparing for the examination, and work more steadily and earnestly, influencing for good, as all real workers do, the men with whom they work, and gaining for themselves what I believe to be the chief advantage of examinations—the habit of complete and self-questioning study.

I must turn now, in the last place, to ask, and try to answer, the great question of all with regard to evening classes, people's colleges, mechanics' institutions, and the like: "Can they be made self-supporting?" All that I have learnt and seen of them compels me to answer, No. It is quite possible that in some cases, where the personal influence of one noble-minded man—of whom no one speaks but in honour, whom none know but to love—gathers and holds together, by the charm of his own nature, a band of men worthy of such a leader, the apparent expenses may be met by the receipts. But these cases are altogether exceptional—such men are rarely met; and, in calculating the chances of success or failure, such unusual advantages cannot safely be counted on. The experiment, under ordinary circumstances, has been tried in a great variety of forms, and I believe with uniform results. Indeed, it seems to me unjust to expect that young men should support the whole expense. They want these institutions just at the time when their incomes are smallest, and when their temptations are most strong. The salaries of young men in London and other large towns are terribly small. It is the higher payment which he can get in a Government Office than in a private counting-house, which induces a clever student to take the £75 or £100 a-year of the Post-office or Customs. To my knowledge, there were 70 applications the other day for a situation of £50 a-year. Surely, when the children of the higher and lower classes receive, either at school or college, the benefits of public grants or wealthy endowments, it is not too much to expect that the hard-working middle class students, who give up to study some of the short hours of their hard-bought leisure, may receive some help in their praiseworthy efforts.

ART EDUCATION.

Schools of Art. *By* D. RAINBACK.

SCHOOLS of Art, under the name of Schools of Design, were originally established in England in the year 1837, to carry out the recommendation of a Parliamentary Committee of 1836, appointed to inquire into, and report on, the state of Arts and Manufactures. A central school was first opened in London in the rooms recently vacated by the removal of the Royal Academy from Somerset House, followed by the establishment of branch schools in the chief manufacturing towns. Until 1852 they were under the direction of the Board of Trade, a board too much occupied with other matters to exercise a very close supervision over the new institutions. The administration of the schools was intrusted to a Council of Artists named by the Board of Trade, while the masters of the Central School, at Somerset House, appeared to exercise, if not a concurrent jurisdiction, at least a considerable, and sometimes an antagonistic, influence in the management of the provincial schools.

In 1852, the state of the schools was found to be so unsatisfactory that a new board of management was formed under the name of the Department of Practical Art; and, with a view to secure the benefit of individual responsibility, a gentleman of acknowledged administrative capacity, who had given great attention to the subject of art education, was placed at the head of the new department. In the following year, the scope of the department was enlarged to include the regulations of various existing and proposed scientific institutions, and has been since entitled the "Science and Art Department."

Very vigorous measures were at once taken by the new board to infuse life into the languishing schools, not, of course, without raising a loud outcry from those whose vested interests in the existing state of things seemed endangered. The system of administration then inaugurated, with some slight changes and obvious developments, is that under which the schools are now carried on. The number of schools, twenty-one in 1852, has been increased more than fourfold.

Under the Board of Trade, the schools of design were supported by separate annual parliamentary grants, varying from £150 to £600 for each school, besides a considerable extra grant for the first outfit. These grants were intrusted to the local committees of management of the schools, who were expected to supplement the grant by a local contribution of at least equal amount, to be raised in school fees and by subscriptions. Under the present system, the direct pecuniary assistance consists in augmentation allowances in aid of salaries, and in certain payments on results to the masters and teachers, and in pay-

ments to art pupil teachers. The department also pays a fixed sum fees for pupils who have passed a second grade examination with success and have taken a medal, and who thus become "free scholars." Grants of valuable books, works of art and photographs, are also made by the department to the local schools; the value of these grants being proportionate to the successful results of the teaching in each school, and a reduction of 40 per cent. is allowed in the price of all casts and examples supplied to the schools of art through the agents of the department.

The superintendence exercised over the schools, consists in an annual visit to each school by an inspector, who holds examinations in freehand, model, perspective, and mechanical drawing, and practical geometry; reviews the work done by the pupils since his last visit, and awards medals for works of excellence conforming to the published conditions as to subject and size issued annually by the department. The inspector also selects a number of the best works to represent the school at the annual exhibition of the works of the students of all the schools of art held in May and June at South Kensington, where further awards are made by the professional examiners of the department. It is by these awards that the amount of the grants above mentioned are determined. The head master of each school is required annually in December to furnish a comprehensive report of its operations during the past year. These reports are carefully digested, and brief summaries of them are inserted in the report of the science and art department, annually presented to parliament.

The management of the local affairs of each school is intrusted to a committee of the subscribers, who watch over the interests of the school, and ensure the proper performance of their duties by the masters, who provide for the local expenses of rent, lighting, &c., and collect the pupils' fees and subscribers' contributions.

In estimating the value of the teaching of the schools of art, we must not look for results of impossible attainment. The peculiar circumstances of the schools must be taken into consideration, and, above all, allowance must be made for the fact that a very small proportion of the pupils of our provincial schools of art make the study of art their sole, or even their chief, occupation, and the very few that do aim rather at the cultivation of art in its higher branches, and use the schools as stepping-stones to the portals of the Royal Academy in London. Hence it follows that the great majority of the pupils pursue the study of the fine arts as a supplementary knowledge more or less useful in their daily labour. The number of artizans and apprentices of all trades attending the larger provincial schools is very considerable, and the staple trades of the localities are well represented, especially when a knowledge of drawing or modelling is practically available in the operations of those trades. These students, whose ages vary from fifteen to forty-five, together with the sons of operatives and tradesmen, form the great bulk of the classes in these schools. They attend in the evening from about seven till nine; and when it is remembered that they attend after a hard day's work, often in

offer of prizes, to force the students of the provincial schools
original designs for manufactures, has been followed by only
ite amount of success. An innate power of original invention
ooner or later to develope itself, and the utmost a judicious
f instruction can do is to supply the greatest amount of mate-
the exercise of this power; to lay the broadest foundation for
rstructure which genius alone can raise.

d to a facility for sketching, not perhaps considered of suffi-
portance in our art schools, where the tendency is rather
the production of elaborate works for competition or exhibi-
esigner for manufactures should possess an extended acquaint-
h the character of the decorative styles of former periods, a
ed taste in the harmonies of colour and composition, a due
tion of the proper functions of ornament, and some knowledge
manipulative processes of manufacture. The really limited
for designers of the highest class, and the time and cost
y for an education which may finally prove a lost labour, are
t obstacles to the raising up of a race of industrial artists
hall render the aid of foreign talent in the highest classes of
kmanship unnecessary or superfluous. It is a question of
portance to what extent the attainment of this result can be
or directed by the action of the state.

derable attention has been given to a recent statement in the
of the Paris "Constitutionnel," that all the finest specimens
work" in the English part of the International Exhibition
reality the production of foreign art workmen, directed by
artists. This statement is in the main true enough, but not
ull extent. That some eminent manufacturing firms employ
artists and art workmen, at a great expense, is a most gratify-
of that our manufacturers are alive to the real value of the art
in industrial productions. At the same time, it is but right
that the firms which have so largely availed themselves of

classic mania of the first empire. Educated in the traditionary elements of the style, surrounded by its best examples in the palaces and museums of the capital, and with facilities for study to be found in no other city to the same extent; and, above all, encouraged by the ease of obtaining remunerative employment from the great demand for the class of works known as "Articles de Paris," is it astonishing that the Parisian Industrial artist has achieved a reputation so universally recognised, and so well deserved? It must be noted, however, that this acknowledged pre-eminence is limited to a very narrow range. It is so marked in is characteristics, as at once to stamp its nationality, and in this country, at least, it appeals to the taste of a very limited public.

On the other hand, our position as regards those decorative arts which are more immediately dependent on architecture (itself now seemingly in the pangs of a second Renaissance) is very satisfactory. Our works in stained glass, treated in a manner more appropriate to the material than those of foreign artists, are the results of our own efforts, promoted no doubt by the movement for the restoration of our ancient ecclesiastical monuments, and the extensive erection of new churches. Our recent examples of metal work in the mediæval styles will bear comparison favourably with the best continental productions of the same nature; and with us architectural carving in wood and stone has made immense progress. No longer tied down to the conventional foliage of the acanthus, or the wearisome repetition of classic enrichments, specimens of recent work frequently occur not unworthy to be placed by the side of the best workmanship of the middle ages. The pavements, wall decorations, carpets and hangings, have equally partaken of the onward progress, nor has less advance been made in the lighter textile fabrics. The fear that our manufacturers were likely to be driven out of the markets of the world by reason of their inferiority in decorative taste no longer exists; yet it was chiefly in consequence of this fear that schools of art were first proposed. Without claiming for their operations more than a portion of the merit due to the bringing about of these changes, must we not allow that the schools have, to at least some extent, accomplished the object for which they were established?

Schools of Art. *By* Louisa Gann.

Among the growing institutions of the day, none are making t way more steadily than the schools of art in all the chief town this land. Commenced only within these last few years, their i ence and their usefulness have been generally recognised; and proof of this fact is to be found in the increasing demand for th and in the yearly returns of the numbers receiving tuition in th Every one admits that, for the higher classes of workmen, the tr

ing obtained in these schools is eminently useful and advantageous. Indeed, in the first instance, these schools were established by government, expressly to improve the taste of the designer and artizan, and admission was refused to any but such as professed to belong to those classes. But it was soon found that this restriction was a mistake; the taste of the manufacturer and that of the buying public required to be improved, if articles designed in good taste were to be manufactured and sold. Hence the wisdom of the government, who merged these schools of design, then very few in number, into schools of art, where the general public, the manufacturer, the designer, and the artizan or skilful workman, might each have the opportunity and means of study and improvement. The former restrictions in admitting students have been therefore abolished, and all classes are now welcomed into these schools—day classes, at higher fees, being now open to the amateur and artist, and evening classes for those engaged in various branches of manufacture at a lower charge. The great improvement that is, on all hands, admitted to be manifested in the International Exhibition, as compared with that of 1851, may be attributed to the careful training which has been so widely and judiciously kept in operation, during the last few years, by the influence of these schools.

It is, however, to another branch of the same work, of no less real, but less manifest importance, that I wish to call attention in this paper. That the taste, the eye, and the hand of the workman should be cultivated, no one denies; but that women should receive the same training, and work towards the same end, approaches so near the vexed question of "employment of women," that numerous opponents are doubtless ready to start up with their favourite axiom—"Women are best at home!" Yet at this time, when the employment of women is constantly attracting the attention of the public, and occupying the thoughts of all earnest men and women, it cannot be out of place to speak of what has already been commenced, and is now at work for their benefit: I refer to female schools of art.

It is asserted by many, that such schools of art do not provide employment for women. You send your son to a university or college to spend a certain time in study, preparation, and training, in order that he may become an efficient barrister, solicitor, surgeon, &c.; or you apprentice your son or daughter to some occupation or trade, costing much time or money. But do you demand or expect the university or college to supply briefs, clients, or patients, as well as instruction, to your son? Is a tradesman expected to have any thing to do with finding future employment for his apprentice? Yet this is a very general demand upon schools of art. People expect them to provide employment for women, as well as training and instruction. Many women, possessed of talent and capacity for various useful arts, have found too late all their efforts ineffectual for want of early, genuine, sound training. In all efforts that have been put forth to help women, the great difficulty has been, not to find them willing, but to find them really able and fit. True, they know a little of every thing;

but how few know or understand one thing well? Now, one great principle of these schools of art, is—to begin at the beginning. The first rudiments are first taught, much to the indignation of some young ladies, whose friends, if not themselves, imagine they are perfect in landscape, or in chalking heads. How much of what is contained in such productions is their own work, and how much of it is the work of the master, they might well blush to confess. We may notice this in passing; because it is right that it should be understood by the public, that all students' works produced in these schools are their own, not one half the student's and the other half the teacher's production.

We contend that, however slowly a student may appear to advance, every step made is a sure one, and in the right direction; and a student who is willing to submit to this necessary discipline and study, must in time possess a power cultivated and ready to work out, wherever opportunity and interest permit, in any path open in design and ornamental art.

The beneficial effects of such places of study for young women have not been recognised and appreciated as they should have been; and, consequently, their classes have not increased in the same proportion as those for young men. Even in London there are but two that meet daily, and offer such advantages as should be presented in order to induce students to join them. These two, the one at South Kensington, and the other for female students alone, in Queen Square, Bloomsbury, are always well attended, and have been so since their establishment. The latter, the older of the two (originally the female portion of the Government School of Design, established in Somerset-house, in 1842–3), has lately passed through a severe test as regards the estimation in which it was held, having been compelled in 1860, by the withdrawal of the government grant, to throw itself upon its friends and the public in general for the means of its continuance and support. Contrary to the expectations and fears of many, nearly sufficient money has been raised to ensure its continuance, independently of government aid, save that which is granted to all local schools, in the form of certificate allowances, rewards, medals, &c.

Drawing has been too much regarded as mere accomplishment, and perhaps, as it used to be generally taught, and, as we fear, is still taught in some fashionable seminaries, and by some private teachers, it is merely such. But the course pursued in these schools of art has often a powerful and abiding moral influence, extending over the entire life of the student. The courses of geometry and perspective exercise and strengthen the intellect by bringing out the thinking powers, so little used by some young women. The accuracy of delineation insisted upon, educes their powers of observation, and gives them precision and refinement; and the punctual regularity of attendance which is required has a beneficial influence on their general character and conduct. The amount of steady and persevering attention required, in order to gain distinction in these schools, is also of incalculable benefit in the moral discipline of young women.

The larger number of the students enter about the age of fifteen and sixteen, just at that age when they require some object or pursuit to engage their attention. What can be more beneficial in this respect than the course of study pursued in these schools? It is gradually becoming a recognised fact, that every one should learn drawing up to a certain point, whether the individual have a taste for it or not. No one would think of asking whether his child possessed a taste for writing; all are agreed that this is an essential part of education. Yet drawing is a form of expressing our thoughts and ideas, often in a much more rapid and lucid manner than is possible to be done by writing. Girls should therefore join these classes for one year, if not two years, as a necessary part of their education. At the end of this period they may leave off the study, unless there be a taste and an earnest desire on the part of the student to pursue art, either as a profession or as an amusement.

The majority of the students who desire to gain their livelihood by this means have hitherto become teachers of drawing; this has a most beneficial influence in gradually uprooting the false method still pursued by some teachers, and in disseminating far and wide correct principles of art. Such instruction is of the utmost importance, as thereby an artistic influence is gained over many who, from prejudice or other motives, are averse to sending their children to public schools of art. There are, however, many useful fields for the exercise of their talents besides teaching, where women's labour is or might be advantageously employed, on which these schools act either with a direct or indirect influence.

Drawing and engraving on wood, lithography, heraldic designs, colouring of lithographs, colouring of maps and prints for publication, drawing and colouring from nature for botanical works, as also colouring of plans for architects, designing and illustrating of children's books, illuminations, designs for wall-papers, chintz, carpets, lace, ladies' dresses, shawls, picture-frames, colouring photographs. With regard to the lighter decorations in wood-carving, Mr. Rogers, the well-known artist in this elegant branch, bears his testimony that it might be well done by ladies.

The lighter decoration of dwelling-houses has also been successfully tried by the students of this school: Mr. Stewart has had several working under him as an experiment. Although it is not the province of the Queen's Square school to provide employment for women, a special class has been opened for instruction in decoration in all its branches, with the intention of obtaining and executing orders. Through the kind co-operation of the Society for the Employment of Women, we have no doubt that sufficient employment will soon be found for this class: Dr. Dresser's valuable services have been solicited, and a successful attempt has been made in the decoration of a drawing-room for a lady, executed by the students.

But difficulties present themselves to the carrying out of design for manufacture in all its branches. The manufacturers have required too much from these schools, when they have expected

that they should turn out good practical designers. This desirable end may, however, be achieved to a far greater extent than it has been hitherto done, by the head master or mistress making him or herself acquainted with the various processes of manufacture; but never, we think, to such a degree as to supersede the necessity for the student, on leaving the school, to be apprenticed to the particular branch of manufacture he is desirous of following. It would require too many special classes and special masters to teach the technicalities of each trade in the school; the attempt to some extent was tried at Marlborough House by the department of science and art, but was abandoned on account of the expense. The manufacturer and the public should therefore distinctly understand that these schools do not attempt to complete the education of the designer for silver, chintz, &c., but that the instruction given in them is most important in preparing him for the practical part of designing; the student should therefore remember, that on entering the workshop he has now to study the technical difficulties of the manufacture he is about to design for, and to bring to bear upon it all the artistic knowledge he has acquired. I cannot help thinking that young designers would become animated with a noble and elevating spirit, urging them to do their utmost in good designs and workmanship for the manufacturer, if they felt that they were aiding in the improvement of succeeding generations. It might well cause a student to pause on the threshold of becoming a designer, from the contemplation of the responsibility attached to his profession; his design being completed, it is reproduced by machinery to such an extent that its influence for good or evil spreads far and wide, and is now beyond his control.

I think that if manufacturers were more urgently invited and encouraged to take an active part in these schools, many of the difficulties now existing would gradually disappear. I can testify that I have met with great encouragement from the manufacturers to whom I have applied to give orders to the students.

But some object to the schools because the students have to meet in numbers. This may be a disadvantage to some; but it offers an opportunity for the communication of ideas among the different members, which is sometimes better than more severe criticism, because it is free. They will persuade, praise, blame, or help each other in ways that can be appreciated only by those who have studied or had experience, in class teaching. One thing we know, that many are the parents and friends who have gratefully acknowledged the benefits, both physical and moral, which students have received in these schools.

MISCELLANEOUS.

On the more Systematic Teaching of Rules of Conduct in Harmony with the Truths of Economic Science. By E. K. BLYTH.

PERHAPS there is no subject among what I may term the domestic politics of the nation, which has attracted greater attention during the present year than the question of popular education; and I think I may infer, from what has taken place in the country during the last four or five years, that there is a general feeling that some improvement is required in our educational institutions. A Government Commission, presided over by a most eminent nobleman, has been engaged for upwards of two years in inquiring into the state of the schools for our poorer classes, and has embodied the result of its labours in a valuable blue book, or rather series of blue books. A minute of the Committee of Council on Education has been issued, announcing changes, framed in part on the recommendations of the Commission, in the method of distributing the annual Government grant for education: and even the opponents of that minute, in the recent debates on the subject, have admitted that the present system is capable of improvement, and does not produce the effects which might be expected from it. And, while all this has been going on, another Government Commission has been appointed, and is now actually inquiring into the management of those great foundations, where the boys of our highest classes receive the teaching and training intended to fit them for the duties of their future life. It is evident that these facts would not have taken place, commissions at heavy expense to the country would not be issued, minutes of council involving many alterations would not have been published, but for the existence of a wide-spread feeling, that some improvement in the principles on which our schools are conducted is required; some reform, not merely in the minor details of their management, but in the system itself.

I propose, then, to start from a consideration of what the object of education is—to inquire whether the best means of attaining that object are now adopted—and to point out an omission in most of the present systems, which a careful consideration of the subject has induced me to think peculiarly important, with the reasons which have led me to that conclusion.

In educating a child, the result to be attained is, not to make him a reading, writing, or calculating machine; an instrument for the production of Latin or Greek verses; a memory for the retailing of historical or geographical facts. The study and practice of some of these arts may form a necessary part of his training; but our main object is to influence the conduct of that child when grown to maturity; to foster conduct which is conducive to the well-being of

the community; to prevent the opposite. Contrast two men in what are called the working classes: put on the one side a steady, intelligent, thrifty member of the community, happy in his home, with his family growing up happy around him; on the other a pauper, a thief, or a drunkard, wretched and miserable himself, a trouble and expense to society. We know that the happiness of the former arises from his conduct: we shall find him practising regular industry; possessing intelligence and skill to use his industry beneficially to society, and therefore profitably to himself; self-restraint to abstain from wasting or misusing the produce of his industry; forethought to store a due portion of that produce against sickness or old age; honesty and trustworthiness, the prevalence of which qualities in society enables confidence to be felt that his savings will be enjoyed; and a sense of parental duty, inducing him to seek to implant in his children a disposition similar to his own. Turn to the other side of the picture, and we discover one or more of these qualities wanting. Investigate the history of the pauper, and we shall almost universally find that his present state arises from idleness or thriftlessness. The drunkard may practise industry during his sober intervals; but if he want self-restraint, his conduct will infallibly bring misery on himself and his family. The thief may possess every other good quality; but his industry and intelligence, lacking honesty, will only render it the more necessary that society, for its own protection, should deprive him of his liberty.

And, I may add, there is yet another way in which the welfare of the working classes may be most seriously affected. Sometimes they are led, with the best intentions, but, alas! through grievous ignorance, to perform acts, the effects of which are most injurious to themselves as well as to society. I need do no more than allude to the calamitous strikes which have taken place in different parts of the kingdom, and the disastrous effects of which have been felt for years after their occurrence. The antipathy to improvements in machinery, which has often produced riots in former times, still exists. It is barely thirty years since our agricultural labourers fancied they should remedy the distress which they suffered, by burning the thrashing machines, and destroying their masters' stacks. Within the last two or three years we have heard of Stafford artizans, engaged in the boot and shoe trade, striking work after a public meeting and a long conference with their employers, because a machine for making boot-tops had been introduced by the latter; and printers' unions have still more recently behaved in the same way towards a master who sought to render labour more productive by means of a machine for composing type. Even the wild land scheme of Feargus O'Connor, by which he deluded thousands of industrious operatives into the belief that they should improve their condition by deserting the occupations in which they had by practice become skilful, and sitting down to farm a few acres of land, is still under the care of our court of Chancery.

Surely it is desirable that our artizans should be so educated as not to fall into these grievous errors; so that the thoughts may occur

nery be introduced by which human power to produce any ılar article can be considerably increased, and the article ɔre cheapened, ought it to be introduced? Can the workmen re thereby thrown out of employ prevent it? Ought they to prevent it? or ought they to try to adapt themselves to the ?

vorking men were so taught as to be able to deal with such ɔns as these; if they understood the lessons of conduct which e learned from the study of social phenomena, how different be their conduct on these occasions; how much sorrow and they might spare themselves; how much more comfort they secure!

ave, in illustrating my remarks as to conduct, spoken of the ıg man only; but the same is true of the upper classes also. ıme qualities are required, the same rules of conduct must be l, to attain comfort and happiness. The mistakes which they are to make from ignorance of industrial laws are different, but not riking, than those of the operative classes; nay, if we look to ily records of our bankruptcy and winding-up courts; if we out the effects of a bank stoppage, or the failure of a large rial establishment, we may think that the misery they cause is more calamitous and wide-spread than follows the errors of ıs.

v, then, is conduct to be influenced? How is the bad and mis- to be prevented, the good and beneficial produced? Human t, meaning by that word human actions, viewed in the aggre- prings immediately from habit. The man in whom the habit ɔlence is confirmed, finds active industry a pain; while, on the hand, the industrious man would feel enforced idleness to be y, perhaps still more, painful. The man who has not formed bit of economy, cannot resist spending the last farthing of his wages, thoughtless of the future needs for which he is making

The formation of good habits, then, and the direction of conduct so as to foster beneficial, and prevent bad and mistaken conduct, is the object to which we must more especially turn our attention. This, it is evident, can only be effectually done by influencing the young. I do not say that bad habits, once formed, can never be eradicated; but it is far easier to prevent their formation when the mind is pliable, while impressions are easily made upon it, and while it may, by judicious management, be led or guided in any direction we please. Apply equal amounts of labour and care to the training of fifty confirmed drunkards or criminals on the one hand, and of fifty young children, however neglected and ragged they may have hitherto been, on the other. Is there any one who supposes the effect produced in the former case will come near to that in the latter? The more likely result will be, that the very large majority of the children will be converted into useful members of society, while a few isolated instances of reformation may be found among the habitual criminals.

If, therefore, we come to the conclusion, that good habits can be most effectually implanted at the time when the mind is best able to receive the germs of them—when the impressions received are most durable, and the mind as yet free from bias or prejudice—it becomes important to ascertain how their formation can be best fostered. If a child's moral training be neglected, we know that the result will very probably be, that, when grown up, his course of conduct will be prompted by his desire for the immediate pleasures which are most attractive to him. If the gratification of these desires be pursued without a due consideration of his own future, and of the welfare of others, his conduct is bad; where it is so strongly in collision with the rights of other members of society as to become intolerable, it is resisted by law, and becomes criminal. To introduce, through the intelligence, an appreciation of these other motives of action; to substitute a line of conduct in accordance with these for one dictated by mere sensuous gratification—is the object in view. How is it to be accomplished? I reply, it can only be attained, with any certainty, by arousing in him an intelligent appreciation of the beneficial effects to himself and those around him, of conduct such as will conduce to general happiness, coupled with a watchful training in acts conformable to the teaching. To teach a child the rules of conduct applicable to the events of social life, while, at the same time, he is being accustomed to act in accordance with them upon every occasion which arises, is the best method of ensuring that he will follow them in after life, and that they will become permanent constituents of his character. In every boy's school life occasions occur for the teacher to enforce practically his lessons of industry and self-control; and even the habit of forethought, of providing for other than present enjoyment, of assisting the needs of schoolfellows and friends at personal sacrifice, are occasions which constantly occur, and of which most effective use may be made for the purpose of illustrating and enforcing the teaching, and converting the lessons into practical and useful habits.

But I have heard it said, this is not school-teaching, it is rather home education. I admit freely, that home training, in accordance with the above principles, is an inestimable benefit; but home training, though it may bring into activity the higher motives of action, cannot be relied on to teach their application to the various phases of industrial life, and guard against the grievous social mistakes which are so often made by the most earnest and well-meaning men. I by no means wish to undervalue the training of home; but I must contend that, when coupled with proper school teaching and training, it is most certain to produce judicious, as well as rightly-intentioned conduct. Surely the existence of good home training is no reason why a boy should be deprived of sound school teaching and training. But, on the other hand, if the moral tone of a boy's home be not such as to assist in strengthening the desired habits, we should redouble, rather than slacken, our efforts to make the school teaching and training effective.

I have also heard it said, and have read it in the speeches of a nobleman for whom I feel the highest respect and admiration—Lord Stanley—that nothing more can be done during the short period which, among boys of the operative classes, is usually allotted to education, than to communicate to them the rudiments of reading, writing, and arithmetic; that their further instruction must be left to the practical lessons of life. I venture, with the utmost respect, to differ most strongly from this opinion. If lessons of conduct are not conveyed to them when young, they are not conveyed at all. As soon as they leave school, they plunge at once into active life, and have no opportunity to study these subjects before they have to act on them. The teacher who forgets this, and deems it his only duty to produce a reading, writing, and calculating machine, leaves work undone which can scarcely be done afterwards. To undertake the instruction of two, three, or four hundred boys, and to let slip the time when the mind is open to the acquisition of sound principles of conduct; to neglect the opportunity of planting right seed, and to leave the mind vacant for weeds to grow up instead, until the result is a mere tangled waste—involves a deep and solemn responsibility. If the result of that omission should be, that a smaller proportion of those boys grow up into industrious, thoughtful men; if any of those hundreds should thereby lapse into crime; if, through want of the habit of provident forethought, which we know to be absolutely necessary for human well-being, or of any other principle of social life to which their attention has not been drawn, some of them should bring down misery and wretchedness on themselves and their children; then I say, that the teacher through whose neglect these calamities happened, will have much to answer for. I appeal to those who have influence in the conduct of schools, to take care lest these mistakes creep into their schools; to remedy the fault, if fault there be; to supply an omission so deplorable in its consequences.

But I may be told, that what I am enforcing is the religious education which is conveyed in nine-tenths of the schools in this country; that the object of such instruction is precisely what I am

urging—the formation of principles of conduct. Scriptural lessons may be conveyed in the spirit which I have sought to pourtray; but I fear that too often such instruction consists (I speak on the authority of the Education Commissioners' *Report*) merely of the dry hard facts of Scripture history, the vicissitudes of the children of Israel, the succession of their kings, the geography of Palestine, and the like; and even when the teaching of Scripture lessons is conducted in a life-like way, such teaching needs to be accompanied by practical lessons, enabling the children to apply them to the social life of the present time. For example, the passage concluding, "Take no thought of the morrow, for the morrow shall take thought for the things of itself," is a precept upon which, in dealing with the immature mind of a child, one cannot found a lesson without long and elaborate explanation. How can such a mind, in its undeveloped and untrained state, reconcile it with the lessons of forethought which are so important to the future welfare of the man? How base, upon such a lesson alone, a habit of provident economy? Easy as its explanation may seem to those whose minds are mature, and able to grapple with the difficulties of highly figurative language, a child's mind comes to its consideration uncautioned, and trusting implicitly in the lesson offered to it. If, through want of practical teaching, this precept be understood in its literal sense, and have the effect on the mind taught which its literal meaning would seem to convey, then such mis-teaching is even worse than the omission of it altogether.

Lessons of conduct, then, should be practical; they should also be systematic. Applied to social life, they should not be merely exhortations to good conduct—vague appeals to children to be self-denying, diligent, and the like—to do their duty without pointing out what that duty is, and how they are to do it. Such appeals will have little practical effect. The teaching must be so framed as to convince the reasoning powers of the learner; to take possession of his intelligence; to influence his will. He must be led, not merely to know that a particular line of conduct is right, but to know why it is right; to feel that any other line of conduct will, sooner or later, inevitably bring evil consequences as its result. And, in the application of these laws to the industrial phenomena of the present day, he should be led to see how the primary rules of conduct bear upon and affect all social transactions; the working of the various departments of society with one another should be gradually unfolded, and he should be led to judge what conduct is right and what wrong in each—what acts are conducive to the public well-being, and therefore desirable—what injurious, and therefore to be avoided. And these lessons should—more especially when addressed to boys of the richer classes—be carried still further. The administration of wealth, its intelligent use, not merely in obtaining individual gratification, but as a means for improving the condition of the poor, the neglected, the ignorant, is surely a noble subject for the attention of the mind. Let but the habit of self-indulgence gain sway among these boys, and it will be very difficult to dislodge it. To check it we must begin early, before the half-developed impulses of the boy

have ripened into the settled habits of the man. But even if we commence at the right time to inculcate lessons of thoughtfulness and charity, they will produce but poor fruits if we stop there; if we fail to lead our pupils to inquire *how* the unhappiness and misery existing around them can be best relieved or prevented. And if those inquiries should conduct (as it is perfectly possible they may) to the thought that prevention of misery is, in truth, a more real charity than merely alleviating it when it has already arisen, then let us lead them on to study the causes of destitution and misery, as a prelude to implanting the wish, the resolution, to aid in preventing it. Am I over-sanguine in thinking that the boys whose attention is daily directed to the study of ancient folly and vice, as portrayed in the pages of Aristophanes and Juvenal, with no more practical object in view than the knowledge of the language in which those revolting pictures are drawn, might, with advantage to themselves and their country, be led to think of the misery around them—to ask themselves what they can do to make their country and its people wiser, better, happier than they are?

It will be evident that teaching such as this cannot be given by means of books; it must be partly, at all events, oral. To introduce principles of conduct into the minds of boys, so that they shall firmly grasp the reasons of these principles, and possess the ability to apply them from time to time as occasion may require, it is necessary that the teacher note, as he proceeds, the effect on the minds of his pupils. He must watch the action of the illustrations which he brings forward from time to time; must vary those illustrations to suit the various classes of boys whom he is addressing; must recur, again and again, to subjects which do not immediately come home to their understandings, until every part of the chain is made clear and distinct. He must remember, that it is not merely an effort of memory which he has to produce; no lesson to be merely learned by rote. His object is to lead the boys to grasp certain principles with a firm hold. They must be convinced by the force of their own mental action, in order that, while so doing, their thinking faculties may be fitted to deal with similar problems in after life. Unless this be done, the teaching is comparatively little worth. In support of this proposition, viz., that where the object of a particular branch of study is to strengthen and cultivate the reasoning faculties, the best method is to lead the pupils on to solve problems for themselves—I have the testimony of a very eminent teacher of the present day. In a lecture "On the Importance of the Study of Physics as a Branch of Education," delivered at the Royal Institution several years ago, Professor Tyndall expressed a very strong opinion, based on his own experience, that this was the right way to teach mathematics; that not only the thinking powers of the boys were thereby better trained, but their interest more thoroughly awakened.

And in teaching the science of social conduct, the same course may be even more usefully adopted. Illustrations are thickly scattered on every side; the facts upon which the lessons turn are chiefly the sub-

ject of daily observation. We must not lay down theories and teach them by rote; the boys should be led by well-directed questions to reason out principles for themselves; guided, when they err, so as to discover their error, and see where they went wrong; confirmed, when right, by the approval of their teacher, and by the suggestion of illustrations which shall firmly fix the conclusions in their minds. Lessons upon social economy given on this system, will indeed be a guiding principle, a beacon to warn against error, to direct to right.* Yet are any systematic thoughts on conduct, in fact, taught either in our common schools, or in our great public schools for the upper classes? I have before me lists of the studies adopted at Eton and Rugby. I will give, as a specimen, that of the sixth form at Rugby.

SIXTH FORM.

PRAYERS EACH MORNING AT SEVEN O'CLOCK.

Monday.	7¼ to 8¼	Greek Testament.
	10¼ to 11¼	Modern languages.
	11¼ to 12¼	De Tocqueville's *Democracy in America.*
	4½ to 6	Composition.
Tuesday.	7¼ to 8¼	Livy.
	11¼ to 12¼	Æschylus or Sophocles.
	Half-holiday—during which, however, each boy has some composition looked over by composition master.	
Wednesday.	7¼ to 8¼	Thucydides.
	10¼ to 11¼	Modern languages.
	11¼ to 12¼	Juvenal or Lucretius.
	4 to 5	Mathematics.
	5¼ to 6	Composition.

Remaining half of week same as the former.

I am at a loss to see in what part of this system can be found any thought of the real purpose of education. Which of these lessons purports to contain any systematic teaching intended to affect the conduct of these boys as future members of society; to show them how to distinguish that which is good and beneficial from that which is bad and mistaken? It is curious to find among the subjects De Tocqueville's *Democracy in America*, a book which treats of some of the most abstruse problems of government; while in no part of the school is there any teaching of the principles of individual conduct, which are at the root of social well-being, or the rights arising out of the recognition of individual property, for the protection of which governments exist. Such a lesson purports to teach the government of masses while the direction of the individual is wholly forgotten, and is about as useful as if a general, preparing for battle, were to think to form his recruits into an army by battalion drill alone, while utterly neglecting the individual drill, on the efficiency of which the well formation of battalions depends. If it is possible to introduce a teaching which will supply the defect so prominent here, and if the

* In Appendix (p. 319) I have given a specimen of a lesson upon the social effects of improvements in machinery framed on this principle.

who have the direction of these great schools exclude it from them, then I say that such an omission is most deeply to be regretted, and that its authors are assuming a heavy responsibility towards the future of England.

But, I may be asked, where is the proof that this knowledge is really wanting in the higher classes? I find them on every side. Take a prominent illustration. In an article in Blackwood's *Magazine* for May, entitled "Caxtoniana; or Life, Literature, and Manners," addressed chiefly to young men, and emanating from the pen of one of our most brilliant writers—a man who has held the position of a cabinet minister—I find the following passages:—"It is only the peasant or mechanic who has a right to marry on no other capital than that which he takes from nature in sinews and thews. * * * * I preach to the day-labourer no cold homilies from political economy. The happiness and morality of the working class necessitate early marriages; and for prudent provision against the chances of illness and death, there are benefit clubs and societies, which must stand in lieu of jointure and settlement. But to men of a higher grade in this world's social distinctions, Hymen must generally contrive to make some kind of compromise with Plutus."

Now, assuming that the writer uses the words, "has a right to marry," in the sense that such marriages are beneficial or desirable—in fact, he can mean nothing else, as they are legally prohibited to no class—I say, that the promulgation of such a thought, the advocacy of the right of the working classes to violate one of the most important of the social rules of conduct, is fraught with the deepest mischief. Ought a mechanic, merely because he *is* a mechanic, to undertake responsibilities without also providing the means of discharging them? Ought he to do an act which in all probability will bring misery upon himself, upon the woman who joins her life to his, upon the unborn beings who may spring from their union? If he has not cultivated habits of forethought and economy, and made some provision for the future when he had only himself to provide for, he will not be likely to begin when the same earnings have also to provide for a wife and family. What will be the consequence if sickness or accident, an American war, or some other similarly unforeseen event, should cause a temporary stoppage of those earnings? Who will be to blame for the thin pale face of his wife; his home becoming more and more bare, as his little stock of furniture is bit by bit pawned to procure bread; the appealing cries of his half-starved little ones? To whose conduct is to be traced the other possible consequences—sons led away to dishonest practices, and imprisoned for theft—daughters ruined and outcast—the workhouse and the gaol? I answer, to the want of forethought in beginning life; and, going back one step farther, in some degree to the omission of the teacher who might have imparted that quality, but made not even an attempt to do so. What miserable substitutes are sick and benefit clubs for habits of thoughtful providence? I do not object to the principle of Insurance; but when we consider that these clubs provide only against certain

particular contingencies, and that to a very small extent; that they do not attempt to provide against any such calamity as in Lancashire has followed the American war—it seems almost a mockery to propose them as the only substitute for the rich man's jointure and settlement. Better that such clubs should not exist, than that working men should be led to rely on them instead of forming habits of forethought and economy. Does the right honourable baronet, in advocating what he calls "the right" to contract improvident marriages, contend that British artizans are too merely animal to be able to restrain their passions? that they are too low a race of beings to be influenced by the desire to act so that their wives and children may be brought up in comfort and happiness? I venture to form a higher opinion of them. I dare—spite of his sneer at "the cold homilies of political economy"—to think that such an end may be accomplished; and I must express my profound regret that the schools where our future cabinet ministers are brought up, do not convey such an education as will prevent their giving utterance to thoughts so injurious to the welfare of society.

I have now only to reply to the question which may be asked me whether these thoughts are mere theorizing, or have been practically tested? I reply that they have stood the test of fifteen or sixteen years' trial, and although the number of schools where they are adopted is small, compared to the whole number of schools in the country, yet the principle is spreading; it has, I believe, never yet been abandoned by any one who has once adopted it. The first attempt at systematic teaching of social economy to the poorer classes, was made about the year 1846. It is now adopted at the class of schools known as the Birkbeck schools, at some of the British and Foreign Society's Schools, and a few others. It is also taught in University College School, and a society of schoolmasters has been formed for the express purpose of promoting the study of social economy. Part of the method of action of this society is the formation of a class of school masters and pupil-teachers, which meets weekly in the evening at University College, under the able conduct of Mr. W. A. Shields, for the study of the science, and the best method of teaching it in schools. Those who may wish to inquire further into the subject, will find the fullest information in a book entitled *Lessons on the Phenomena of Industrial Life*, edited by the Dean of Hereford—and in Mr. William Ellis's *Outlines of Social Economy*, and other works. The practical method of imparting this instruction—the gradual building up of the more abstruse principles, from the simpler rules contained in Mr. Ellis's *Progressive Lessons in Social Economy*, a book which any teacher attempting to introduce the subject into his school will find an invaluable assistance. If any one should desire to see the system in operation, they will find the best example of which I am aware, in the Birkbeck school at Peckham, conducted by Mr. Shields; and I doubt not that the same courtesy which I have always met with at that gentleman's hands, will be extended to any one who wishes to observe the working of the system.

APPENDIX.

I WILL suppose a teacher is about to give to a class of boys a lesson, the object of which is to show them the beneficial results of machinery, and its use to mankind. If he were in Manchester, he might advantageously bring forward the power-loom as an illustration. In London, one of the most forcible illustrations will perhaps be a railway. He asks the boys, then—

Teacher.—Have any of you boys ever travelled on a railway?

He will probably be told they have often done so: He continues, addressing one of the boys—

T.—When did you last travel by railway?

Boy (perhaps).—I went to Brighton last Easter holidays, in a train starting early in the morning.

T.—What do you mean by a train?

B.—An engine and tender in front, a number of carriages, and a guard's van, the latter in the rear.

Then may follow questions eliciting explanation of the uses of the various parts of the railway; the rails, points, signals, &c. The teacher then proceeds—

T.—What is usually carried on railways besides passengers?

B.—Goods: and on the Northern railways there are trains which are specially devoted to bringing coal from Claycross and other collieries to London.

T.—How many men are employed to work a train?

B.—Three: the engine-driver, stoker, and guard; besides a few other men, such as porters, signalmen, &c., each of whom performs the same duty for very many other trains in the day.

And so, with similar questions, it is elicited that a passenger train can travel from Brighton to London in one to two hours; a goods train from Birmingham in four hours; and a coal train from Claycross in five or six hours. That a single train will contain 600 to 800 passengers, and goods and coal trains similar large quantities of goods or coal. Then may be elicited the contrast of what used to take place before the application of steam-engines to railroads; that passengers were at least four times as long on the road, and the expense of travelling was far greater; that in the transport twenty times as many men were necessary to produce the same effect, and consequently each individual man produced only 1-20th as much result as by the help of the steam-engine. The questions may also lead the boys back to think of the times (by some called the good old times) when wheel-carriages were hardly, if at all, used; and when the transport of commodities to the extent now practised, would have been actually impossible. In all probability, it will prove easy to lead the boys to see vividly what a wonderful accession to the comfort and happiness of the people has been effected by the introduction of railways. Then follows the continuation of the lesson.

T.—Then you think railways an excellent invention?

B.—Yes: they are useful and beneficial to every body.

T.—Are you sure of that? At the time they were introduced, was no one injured?

B.—Yes: the coach-proprietors, and the owners of some road-side hotels, lost their employment.

T.—How were they injured?

B.—People travel by rail instead of by coach; their coaches and hotels ceased to be used, and they were thrown out of employ, as well as all their servants, coachmen, &c.

T.—What do you recommend? Should the making of railways be stopped by law?

B.—Oh no! that would be very foolish.

T.—Suppose the coach proprietors in a body attacked the railways, pulled up the rails, and destroyed the locomotives, would that be of any use?

B.—No; the law could not permit it.

T.—Should the coach proprietors try to persuade the public to continue travelling by coach instead of availing themselves of the railways?

B.—No; that would be quite useless.

T.—Is there any other way in which they can hope to prevent railways from being made and used?

B.—None.

T.—What, then, can they do? What ought they to do for the benefit of themselves, and those dependent upon them?

B.—They must adapt themselves to the changed order of things; the coach proprietors may perhaps use their coaches and horses, or some of them, for local omnibuses where they can; the hotel-keepers must support themselves by moving to the nearest station, or by applying to some other industrial occupation.

T.—Ought they to blame any body? Should they complain of the inventor of the steam-engine—of Stephenson, who applied it to railroads—or of the persons who proposed and subscribed to make the railroads?

B.—Of neither. All these persons are benefactors of society in what they have done.

T.—If, then, these men can complain of no one, and cannot expect the railways to be stopped, can they do any thing but adapt themselves to the change?

B.—Nothing.

T.—Who will be likely to suffer least from such a social change consequent on improvement in machinery?

B.—Those who possess the most intelligence and skill to adapt themselves to the change, and those (especially among the workmen) who have by economy provided themselves with some store on which to fall back until they can make the necessary arrangements, and acquire the necessary skill in some other occupation.

T.—When, then, are these qualities to be obtained? When must a man begin to practise habits of industry, &c.?

B.—While he is a boy.

T.—Then bear this lesson in your mind, and if you should ever be thrown out of work by the introduction of machinery, and should hear your fellow-workmen complaining, think how useful it is to the world, and how miserable we should be if all machinery were destroyed. Think how you may best adapt yourselves to the change if such a thing should happen to you, and meantime prepare yourselves by economy to provide against the temporary loss of wages which you may suffer.

Proposals for Teaching Agriculture Scientifically in Common Schools; with Practical Illustrations in the Face of Nature. By W. Wallace Fyfe.

I approach with due deference a very difficult subject, but one which is nothing if not practical. It appears to me that the aims of education in regard to agriculture must be reduced to a much more common level than they have hitherto occupied; and that even the science of farming must be taught, so far as that is possible, in ordinary schools as well as in colleges. Not only so, but the practice itself must become matter of tuition. With all our advanced notions on education, the practical part has suffered grievous neglect. The education of work has not been replaced by that of things, although we are all agreed that it is high time it were so. More especially as regards common schools, the cramming system is acknowledged to have thrown the more useful auxiliaries of reading, writing, and arithmetic into the

dge of any kind; and, secondly, that were there any thing done
ess these upon the understanding, the impression made would
y be that of permanent information. The showy exhibitions
ol examinations may probably be evanescent, because nothing is
nd, for the most part, nothing can be done, to impress on the
ere generalities. But with all that relates to the business of
is surely different. If we complain that practical education
place at school, have we not the remedy in our own hands?
egard to agriculture, at all events, a beginning could be made
, because every country schoolmaster knows already more or
he subject, interests himself habitually in all the farming pro-
nd prospects of the seasons as they revolve, and would indeed
e or less than human, if, living in the midst of people who have
nothing else to think or talk of, he could do otherwise. By
sed mode of teaching agriculture, which I conceive could be
nply carried out, I have ventured to believe that every school-
ight be practically educated for country life, provided his
aster thought it worth while to devote one or two half-
the week to explain the common things of agriculture, by
ng the time in school in furnishing an idea of the nature of the
engaged in developing the fruitfulness of the earth, and then
ng with farmers and others in the neighbourhood, to allow the
see any practical illustrations going on upon the farm or at
nestead.

pound this plan for universal use. It will hardly do, with
ure making such strides on all hands, and mechanism daily
ng in efficacy and ingenuity around us, to suffer the intelligence
cultivator to lapse into helpless ignorance of the means and
ces we require and expect him to handle. If, however, a united
ould be made to supply, by some simple elementary method
that suggested, the missing knowledge to the man who is to
he improved mechanism, the value of the improvements would

the results by the diversities of circumstances, but the laws of fertilizing the soil, and feeding or rearing animals, admit of very little deviation anywhere. Whatever modification may therefore be required in my calendar of supposed operations for the different farming months and seasons of this country, the scientific text-books will probably ask but little alteration to render them suitable anywhere. It is essential only that elementary chemical action and mechanical manipulation be comprehended in their several and relative bearings, and this I have taken two ways of rendering plain; first, by way of precept, and secondly, by example.

The two text-books, by means of which the first of these objects is effected, are in a manner echoes of one another. The master's book* is the smaller in compass, but it contains some things which are necessarily omitted in the other. It is rendered portable for carrying out into the field, and, by the aid of a very minutely paged index, for turning at once to any required fact by way of explanation; for it embraces, like the *Catechism*, not only the theory of agriculture, but a general outline of the best practice.

The large type *Catechism*, which is calculated as a text-book for school use, contains a feature peculiar to itself in the shape of "Improvements on the Lessons." The mere hint or fashion of these improvements is all, however, that could be set; for it would have swelled the book to unreasonable limits to have taken up and amplified on every catchword and phrase to the extent that our intellectual system of education, as now very generally practised, would of itself suggest. Nor has it been judged essential, after showing the way in reference to the first or scientific division of the *Catechism*, to maintain these "improvements" farther; and, in a prefatory note to the second of the four divisions whereof the work consists, it is announced that the "improvements," from their discursive nature, must be assumed to be brought out by the teacher himself whilst directing attention to the subjects in the *Farm Calendar*. Before going farther, it may be proper to quote from one of these improvements enough to show exactly what is meant; for they are anticipated, by practical schoolmasters whom I have consulted, to serve a great purpose in rendering the knowledge communicated more complete than if too strictly limited to its bearings on agriculture. Were I to extract the long and technical condensation of botany, comprising by an effort of abbreviation its whole systematic nomenclature—*i. e.*, the nomenclature of all the various parts, and diversities in parts, of plants—I would best, perhaps, do justice to the scope and intention of what I purpose being taught, and what I suggest to be learnt in the preliminary course of instruction. But I can here only quote from the same section (the "Improvement of the Twelfth Lesson") the definition or outline only of vegetable physiology, on which the teacher is to enlarge according to his power or ability:—

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* Agricultural Science applied in Practice. London: Groombridge & Son

herbaceous plants contain more of it than the trees, because in trees it is eplaced by lignine (woody fibre). 2. Of their vascular tissue—tubes or which penetrate amongst the cellular tissue, and convey the sap from the the leaves, and back again to all parts of the structure. 3. Of their pith centre of the stems and branches, but not in the roots of exogenous plants TANY below ;) pith is, however, merely cellular tissue. 4. Of their bark, ernal skin or cuticle, composed of one or more layers of condensed cellular permeated by tubes through which the descending sap flows. 5. Of their consisting of cellular tissue, starch, oil, and the peculiar secretions of the lignine predominating in the stems of trees, so that they receive the f wood. 6. Of their roots or subterranean stems, differing in nothing but it of pith from the stems above ground; the real roots, however, consisting es of small tubes called spongioles growing from the subterranean stems; btain from the soil, the water, ammonia, potassium, sulphur, &c., required lant, and reject the secretions it does not want. 7. Of their leaves, which the respiratory functions of plants; the circulation, nutrition, and absorp- formed by these organs, form the chief subjects of physiological study."

the first blush, it might look as if there were things here too t for the tyro to entertain. But a greater mistake is fre- y committed, in emasculating knowledge of all its force in order ce it to the supposed level of the learner's apprehension, than be committed by leaving it a little higher than his mental and so tempting him to aspire to it. Besides, it must be bered that the idea of these improvements is, that they are ries or extensions of the main stream of instruction, and that e, or as much of them, and of the further explanations to which ad, is to be communicated to the pupil as may be found ex- t. Many things also in the foregoing extract, which, if taken mselves, would appear hard of explanation, have in point of eir appropriate explanations in the body of the text-book with they are taken in connexion. Lignine, for instance, is by no unexplained, chemically, analytically, or in its combination with proximate principles, in the course of laying down the sciences, ould, in fact, be familiar to the catechumens rather than other-

lesson, an attempt is made in the second lesson to show, by means of tables stating the extent of our cultivated, uncultivated but improvable, and, finally, our absolutely unprofitable lands respectively, with their subdivisions into wheat, barley, oats, and potato lands, gardens and orchards, turnip lands, hay and best pastures, fallows, grazings, rivers, lakes, forests, copses, hops, flax, &c.—the limits and capabilities of cultivation. Then, as a third lesson, an attempt is made to demonstrate the manner in which agriculture is advanced by science; and that it may be obvious how far these preliminaries are essential with a view to usefulness, I may be allowed to cite the very practical explanation given of the term "analysis."

"ANALYSIS is itself a Greek word which signifies 'untying,' and in chemistry is applied to the resolving or separation of a compound body into its constituent parts. Chemical analysis is called *qualitative* or *quantitative*, according as it is desired to ascertain the number and nature alone of the elementary substances of which a body is composed, or, in addition to these facts, also the proportions in which they exist in it. The analysis of soils has been made the subject of considerable attention since the publication of the Rev. Mr. Rham's prize essay,* more especially by the late professor Johnston of Durham, who published a small book on the subject,† and by Mr. John Shier of Aberdeen, in his edition of Sir Humphry Davy's lectures;‡ but the best general analysis, showing the properties of fertility and infertility in soil, is that of Sprengel, contained in one of the initiatory tables connected with the present system of agricultural instruction, [*i. e.*, tables printed on large sheets, and shown in the International Exhibition.] In the very explicit directions offered by him, Mr. Shier frankly tells the student that the difficulties to be encountered in attempting, without experience, to analyse soils, will render the first attempt of little value beyond impressing the absolute necessity of caution, patience, accuracy, and conscientiousness. Much difficulty may be found in obtaining, from dealers in chemicals, the pure reagents required as tests; and in exact analysis they must be pure. And, even when done, practical conclusions cannot always be drawn from chemical analysis, in consequence of the mechanical or textural condition of the soil being generally left out of the account. Besides this, the ascertained capabilities of the soil ought also to enter into the consideration. The Rev. Mr. Rham has, however, pointed out in his prize essay a plain method for farmers to whom the exact analysis of soils would be too tedious, of ascertaining nearly what is the composition of a soil by means of a simple instrument—a glass tube of three quarters of an inch diameter inside, and three feet long, with a cork fitted into one end. Being set upright, and half filled with pure water, nearly as much water as has been poured into the tube is then to be mixed with the portion of soil to be examined—the quantity not to occupy more than six inches of the tube, into which the mixture is rapidly to be poured, and left standing upright in a corner of the room. If examined in the course of half an hour afterwards, it will be found that the earths have been deposited according to their size and specific gravity of their particles; but the portion still remaining suspended in the water, should also be allowed to settle. Layers of sand, clay, and humus, which may be measured by a scale, will then be found duly deposited in the sediment, and thus the general proportion of these ingredients in the soil ascertained. 'When,' says Mr. Rham, 'a farmer is about to take a farm of which the quality is not well known to him, he may be much assisted in his judgment by this simple experiment, if he has no time or opportunity for a more accurate analysis. For the glass tube may be substituted one of tin or zinc,

* Journal of the Royal Agricultural Society of England.
† Edinburgh: W. Blackwood and Sons.
‡ Elements of Agricultural Chemistry, by Sir H. Davy, Bart. London: Orr

feet in length, with a piece of glass tube a foot long, joined to it by means of a brass collar or ferrule, with a screw cut in it, which is cemented to the glass, and screws on the metal tube, and thus the instrument may be made more portable. When the water has been poured off, and the earths only remain, the cork may be taken out and the contents pushed on to a plate, by means of a rod and a plug which exactly fits the internal diameter of the tube, and so bodily examined. This simple resource would answer admirably for showing in schools the differences and qualities of soils, and might be taught with advantage as a substitute for exact analysis.' Von Thaer* gives a statement of the comparative fertility of soils analysed by him after this method, taking 100 to express the most fertile.

	Clay.	Sand.	Carb. of Lime.	Humus.	Value.
Rich alluvial soils	74	10	4	11½	100
	81	10	4	8½	98
	79	6	4	6½	96
	40	10	4	4	90
Good wheat and barley land	20	22	36	10	78
	58	67	3	4	77
	56	36	2	2	75
	60	30	12	2	70
	48	38	a trace	2	65
	68	50	,,	2	60
Barley land, not fit for wheat	38	30	,,	2	60
	33	60	,,	2	50
	28	65	,,	2	40
Poor land, oats or buckwheat	23½	70	,,	1½	30
	18½	75	,,	1½	20"

A survey of the sciences, as applied in agriculture, may first be presented in the mass, and then taken in slight detail, so as to convey an idea of the place and influence of each, thus—

1. Geology } the Soil 2. Chemistry } the Soil 3. Vegetable Physiology—Life of the Plant 4. Botany—Varieties and Classifications of Plants 5. Animal Physiology—Life of the Animal	Relations of the Soil, the Plant, and the Animal.
6. Zoology—Varieties and Characteristics of Animals.	
7. Meteorology—Climate, Weather, Seasons 8. Hydrostatics—Water, Drainage, Irrigation 9. Pneumatics—Circulation of Air, Ventilation 10. Mechanics—Implements, Machinery 11. Engineering—Operations of Agriculture	Relations of the Soil and the Plant.

The course I have chalked out accordingly commences with geology in agriculture, which, however cursorily glanced at, could not well be dismissed without referring chemically to the nature and constitution of the ingredients of the soil, allowing to each a scope commensurate to its importance, and bringing out any practical facts specially connected with particular ingredients, such as "lime." Chemistry in agriculture occupies, however, a much larger space in the *curriculum;* for it becomes essential to devote distinct and separate lessons, with tabular classifications, to the nitrogenized and non-nitrogenized principles of plants, to the topics of chemical analysis and relative

* Rational Husbandry.

theory of manuring—to Liebig and the German doctrines, &c. The remaining sciences may then be more rapidly discussed; and the scientific outlines, in fact, relinquished for the practical. In dealing with the manipulation of the soil, I have ascended from the low ground of spade husbandry, in order to evince the natural effects of mechanical treatment, and the scientific bearings of the intimate mixture of earthy particles and ingredients. Drainage and subsoiling involve a history of all the plans followed out by Elkington, Parkes, Smith of Deanston, and others, connected with the meteorological truths bearing upon rainfall and evaporation, capillary attraction, and the hygrometrical balance. The benefits of drainage, and the method of the formation of drains, are dwelt on at considerable length, in consequence of the defective views and practice still adhered to, at a time when the increase of steam cultivation is about to disclose the miserable shallowness of our general cultivation, although we have had ample time, since the introduction of thorough drainage, to deepen our active soils sufficiently to double the advantage it is possible at present to derive from this source of improvement. All I can do in the circumstances is to inculcate strenuously the practice of subsoiling—demonstrate the gain caused by drainage improvements—by deep culture, and the judicious intermixture of well-manured soils, and to these points lesson after lesson has been devoted. Ploughs and ploughing, in the ordinary acceptation, have, it will be readily anticipated, their own special lesson. The life of the plant then comes under consideration, taking up the first or embryo stage of the seed in germinating; investigating the influences of darkness, of moisture, temperature, and the access of air in germination; and devoting some perhaps novel considerations to the subject of agricultural seeds, including the diseases of seeds and seed plants, the dormancy of seeds and components of seeds, showing the part taken by each in the germinating process. The remaining topics for study first, and subsequent illustration next, are the arrangement of the homestead, the manufacture of manure, guano, nitrogenized manures, liquid manuring, artificial manures, the gaseous sources and elements of plants, the equivalents amongst agricultural products (when one kind has occasion to be substituted, in feeding or otherwise, for another), and, finally, the market values of produce; thus, as it were, presenting to the scholar's consideration something of every thing hitherto withheld from him as profound mysteries, destined to keep him during their first revelation in a state of incessant surprise when he shall become a man, and capable of enlightenment! But social experience tells us it is then too late.

These points have not been offered for inculcation without a consciousness of the objections that may be urged against attempting to teach such things to youths in schools. It is now, however, ascertained too well, that adults are little teachable, or only in proportion to habit and docility for teachableness formed in early youth. When science in its simple principles is found to be easy of apprehension will be found doubly attractive when applied in an explanatory fo

to the ordinary business of life. To show how the preliminary instruction is designed to bear upon the practical illustration, I must quote the following brief notice of the literary or school machinery employed:—

"In my little work, *Agricultural Science applied in Practice*, the accepted facts of the various agricultural sciences will be found sufficiently pointed out, to enable the teacher to work up the scheme of instruction in what may be termed 'the common things of rural economy,' in proportion to his own progress and advancement in this branch of intelligence. A few tables and diagrams suffice us to illustrate the scientific development of practical agriculture there attempted. In one we observe the roll of all the sciences applied in agriculture, and see their connexions traced to ultimate results. In another, we have before us a subject that may be indefinitely expanded in explaining the peculiarities of districts, and the selection of land—'the Agricultural Area of the United Kingdom'—with consequent indications of what is expected of the British husbandman in maintaining its culture or improving its resources; together with the limits which nature and sterility have set to his power and ambition. In another, we perceive the contrast of those elements contained in the soil itself, the presence or absence of which occasions fertility or barrenness; whilst in other tables are exhibited the *proximate* principles on one hand, and *ultimate* principles on the other, respectively contained in plants, and evolved by them from this very soil in the great laboratory of nature. Forsaking the hard dry facts thus denoted by figures, we must next have recourse to diagrams—as highly exaggerated as possible, to show minutely how the plant reproduces itself from its seed in the process of reproductive germination. Here we see depicted the splitting of the seed-lobes into cotyledons, or thick fat leaves, protruding through the surface soil; the throwing out of the radicle and plumule, the first sprouts of revivification by the chit or germ; here the downward direction taken by the radicle—its development into a root; and there the upward course of the plumule—its expansion into a stem and leaves. Going back to examine the seed whence this has sprung, we notice depicted in the different sections of Indian corn, wheat, barley, that typical arrangement of material in all seeds which resolves externally into the oil, intermediately the starch, and internally the gluten. Another diagram discloses the practical engineering principle of *draining*, down through surface soil and porous subsoil, to the retentive clay, where the water is arrested and run off in the drain bottom. Armed with a sufficient amount of this species of information, which is capable of being infinitely varied and extended, it might appear that the teacher could with greater ease and effect convey the ideas represented or pictured in the diagrams, than the facts or figures stated in the tables."

Well, if this be so, by familiarly referring all explanations offered to the practical illustration going on out of doors in the common agricultural affairs of the moment as they pass before the eyes, and, if possible, through the hands of the instructed, the place of diagrams or pictures, found to afford such efficient aid in tuition, might be more than supplied by the appeal to the actual objects themselves. To carry out this system, I have found it necessary to construct a *Farm Calendar*, applicable to any locality, and taking up in succession the proceedings and operations occurring on the farm throughout the year.

Such is a brief *resumé* of the system proposed for rendering education in country schools more directly practical and interesting than it is. I do think the scheme adapted for universal adoption; nay, more, I expect from it in effect a complete revolution in rural education. Mechanics in towns have their night schools and institutions,

but nothing at all has ever been done to instruct the common people of the country in the simple elements of agricultural art; and now that an increasing necessity for their knowing more than there is any existing means of teaching them is becoming apparent, it seems to me that a suggestion so easily tested as this ought to be eagerly grasped at. For one thing, it will harmonize admirably with that half-time system for grown boys devised by Mr. Paget, M.P., of Ruddington, who sends half his boys to school and keeps half at work, on alternate days, thus maintaining a double force of boys, but neither entailing the necessity of their being withdrawn altogether from school, nor altogether from labour. Into such an arrangement the system of teaching by field illustrations would dovetail exactly; and the sooner that farmers in want of intelligent hands, and landed proprietors and philanthropists, the friends of the rising generation of agriculturists, take it up, the better. I am willing to lend all the aid in my power to explain or develope the principle; but it is only on a national scale that such a movement can accomplish any great good.

Suggestions for the Improvement of Classical Discipline.
By Professor Pillans.

I am tempted to return once more to the subject of Classical Tuition in the grammar-schools of the United Kingdom: both because it has received so little consideration in the voluminous Transactions of this Association, and because, unless public attention be called to its defects and shortcomings, we are in danger of losing, particularly on the north side of the Tweed, what I conceive to be the most powerful instrument, that has yet been thought of, for disciplining and sharpening the faculties of the young.

We have it on record, that when a dignitary of the English church came to examine a grammar-school in which Horne Tooke was a very young but distinguished pupil, the master, to do himself credit, called up the boy. The visitor having heard Tooke translate a sentence of Latin, wished him to explain the reason of a particular construction. The boy looked blank, and made no attempt to answer. The dignitary was no sooner gone, than the master reprimanded Tooke for not giving the rule when he was asked. "No, sir," said the boy, "I was not asked for the rule, which I knew well enough, but for the reason, which I never was taught." Thus early did Tooke give promise of that power of reflection and nice discrimination, which enabled him in after life to make what may well be called a great discovery in the science of grammar. It is rare to meet with such precocity of intellect in the pupils of a grammar-school; but there are few whose faculties, by skilful handling, and without severity, may not be trained to habits of mind and tastes most influential for good on their future characters and fortunes. The fact that this result is so frequently fallen short of, I endeavoured in a former paper

ery schoolboy who has gone through his accidence is aware
he words *ubi* and *inde*, and some of their correlatives, are used
ly and indifferently as adverbs of *place* and of *time;* and when
es, at a later stage, to make out the sense of a sentence in Cæsar
llust in which these words occur, he finds it necessary to consult
ontext, before he can determine whether the *ubi* requires to be
ated *where*, that is, *in which place*, or *when*, that is, *at which time;*
n like manner, whether *inde* means *thence*, i.e., from that *place*,
n, from that *time*. The same double sense, the same confound-
f the ideas of *space* and *time*, is observable in *ibi*, *adhuc*,
que, and several others; all, as well as *ubi* and *inde*, originally
bs of *place only*, but, in the progress of the language, employed
e best authors to express *time* as well as *place*. Nor are we
ut examples of the same confusion of ideas, though they are
in our own tongue, as may be seen in our compound adverbs,
ter, *thereafter*, *henceforth*, and *thenceforward*. And yet there
two ideas in the human mind which, abstractly considered, are
widely different than those of *space* and *time*. Space is external
l independent of man, extending, from the minute portion of it
his own body occupies, to a distance in every direction to
it baffles imagination itself to set a limit. It is in this inter-
le expanse—this unfathomable void—that there is room for any
vable number of *solid* bodies, and of any dimensions or magni-
be they suns, planets, satellites or comets, and for all their
elliptical and eccentric orbits; nor would it suffer any change
these bodies annihilated.

ne, on the other hand, is the succession of *thoughts* in the mind
hinking and reflecting being like man, and of *events* and *pheno-*
of which he is made cognizant by his senses; and these thoughts,
s, and phenomena being treasured in the memory, or consigned
ords, make up the sum of human life, and the history of human
. In this view, time may be regarded as a section or fragment

conjecture, still less likely to be accurate, as to how long we have slept. And yet some contrivance for subdividing and measuring off with precision definite portions of this *duration*, is *indispensable* for the ordinary intercourse and transactions of society. Recourse has accordingly been had to various expedients for accomplishing this object. Some of these are furnished by nature herself, and others are the invention of man. Of the former kind are the wink or twinkling of the eyes, representing the shortest and indivisible atom in the reckoning of time—that marvellous process for lubricating the ball of the eye, which brings the upper eyelid into close contact with the lower, and so excludes light and vision, but for an instant so brief that we are not aware, and can hardly be persuaded, that we are in total darkness many times every minute of our waking hours. This is the indivisible atom of time which the Germans call the *Augenblick*, in French the *clin d'œil*. For marking larger portions of time, nature gives us the diurnal rotation of the earth on her axis, marking the entire day and its four-and-twenty component parts—her annual revolution round the sun, which gives us the year; and the phases of the moon, as she *waxes* and *wanes* in her monthly circuit round the earth, which divide that year into twelve months; and all these physical phenomena have succeeded each other with such perfect exactness since the creation of man, which, in other words, is the beginning of time, that they furnish him with an invariable standard for the measurement of time and the fixing of dates.

Of *human* inventions for the accurate reckoning of time, we have the sun-dial, the clepsŷdra or hour-glass, the sand-glass, the clock, the watch, the chronometer, a word which, having regard to its etymology, we may apply to all the other inventions, reserved though it be for the latest and most perfect of all instruments for marking with precision the lapse of time, and determining the longitude at sea.

Now, it cannot fail to be observed that, of all these, and it may be affirmed of every other contrivance for measuring time with accuracy, it is by reference to *motion in space*, and by *that* alone, that this end is gained.

The downward motion of the upper eyelid, the *pulsation* of the heart, the *dropping* of water from the upper to the lower globe of the hour-glass, the shifting of the shadow on the sun-dial, the advance of the hour and minute hand on the dial-plate of a watch, the swing of the pendulum in a clock, to say nothing of the revolutions of the earth and moon in their orbits—all show that it is to measurable movements from one part of space to another that we owe the whole science of chronology, with its dates, periods, epochs, and cycles, and not to the fleeting and evanescent succession of thoughts in men's minds, which constitute *time* as distinguished from *duration*.

I cannot better illustrate what has been said than by quoting a well known passage of that great poet and philosopher, of whom it may be as truly said as it was of Homer by Horace—

> *Qui quid sit pulchrum, quid turpe, quid utile, quid non,*
> *Planius ac melius Chrysippo et Crantŏre dicit.*

"Time travels in divers paces with divers persons. I'll tell you who time *ambles* withal, who time *trots* withal, who time *gallops* withal, and who he *stands still* withal. He trots hard with a young maid, between the contract of her marriage and the day it is solemnized; if the interim be but a se'ennight, time's pace is so hard that it seems the length of seven years. He ambles with a priest that lacks Latin, and a rich man that hath not the gout; for the one sleeps easily because he cannot study, and the other lives merrily because he feels no pain; the one lacking the burden of lean and wasteful learning, the other knowing no burden of heavy tedious penury—these time ambles withal. He *gallops* with a thief to the gallows; for though he go as softly as foot can fall, he thinks himself too soon there. He *stays still* with lawyers in the vacation, for they sleep between term and term, and then they perceive not how time moves."—*As You Like It*, Act III. Scene 2.

It appears, then, that although the difference between our ideas of time and space, abstractly considered, are widely different, yet the necessity of appealing to the latter, in order to obtain correct measures of the former, has established a relation between them so intimate as to go the length even of identity. So true is this, that the expression "a *space* of *time*" is quite intelligible, and seems to involve no incongruity. And so it is in Latin: Cicero begins his second sentence in the speech *pro Archia* thus:—

"Nam *quoad* longissimè potest mens mea respicĕre *spatium* præteriti *temporis*, et pueritiæ memoriam recordari ultimam; *inde usque* repetens," &c., &c., a sentence which, besides the *spatium*, gives more than one example of an adverb of place being applied to time in the words *quoad inde* and *usque*.

If we look on the dial-plate of a watch beating minutes and seconds, we see the hands progressing sensibly, and the mind notes the march of time by the starts or leaps which the pointer makes before our eyes. It is then that a *moment* appears to be etymologically, as it really is, a contracted form of *movement*, (as in Latin, *momentum* quasi *movimentum*.)

There is another way of describing *time*, and distinguishing it from *duration*, which may be stated thus: Time is a compound notion in the human mind, made up of two parts, one fixed and permanent—the other fleeting and successive—1. The fixed and abiding element is the idea every man has of his individual self—the *mens sibi conscia*—the *I*, one and indivisible—the *moi* of the French—the same yesterday, to-day, and all the days of his appointed span of life; the personality distinct from every other existence, and unchanged while he lives; the feeling in short of personal identity—that is, the conviction every man has, that he is the same being *now* that he ever was, how great soever the changes may be which his sentiments, feelings, and opinions have undergone in the various phases of his life, and in spite of the physical fact, which is undeniably proved, that the particles of his bodily frame, bones and all, have been entirely and repeatedly renovated. This may be called the *fixed* element in the notion of time. The fleeting or moveable part which is required to complete our notion of *time*, is the succession of our thoughts, which are in a constant state of ebbing and flowing—of flux and reflux—of production, reproduction, and repetition.

This succession of thoughts, again, consists of two kinds of ideas; those which we *have* at this present, and those which we *have had* and can recall.

The traces, or footmarks as it were, of emotions, sentiments, and events which are gone by, remain in the mind, and constitute the sum total of time past, lying all, so to speak, on one side of the present. And, as if the human mind required a counterpoise to balance the accumulated mass of past sensations, which are all retrospective, it figures to itself another series of movements, feelings, and phenomena, not such *as have* occurred, but such as may hereafter occur, to which the mind finds itself irresistibly impelled, and to which, as yet to come, imagination stretches forward in like manner as memory reverts to the past.

These two sums of movements and thoughts (the one which has taken place, and the other which is about to take place) constitute our notions of the past and of the future; and it is between these two sums (the past and the future), the one ever increasing in amount, the other always diminishing, that man, a being at once fixed by his sense of personal identity, and mutable by the constant succession of his ideas, dwells and travels on till death. He may be regarded as a being to whom his sense of personal identity gives permanence and stability, while the ever-shifting succession of his ideas imparts to him a character of mutability and change.

In this point of view we may liken man in his relation to time to a weaver at his web, who, placed between the work already done and the work yet to do, does nothing more at each successive movement than dispose of the single thread that escapes out of his hand; and this thread, while it darts across with the *shuttle*, fitly enough represents the passing moment, and the ever-shifting line which separates the past from the future

The past is a picture, finished, framed, and hung up, but in which the colours are apt to fly; nor are they always, before they fade, true to the original. The future is a dark cloud, the bosom of which is dimly streaked with the glimmerings of hope and of fear: the present, the *punctum mobile*, which parts the past from the future, is a flash of lightning: *dum loquimur, fugerit invida ætas.*

If I have dwelt too long upon obvious truths and facts familiar to every adult and reflecting man, it may suffice to observe, that all I have said sprang out of a question raised by the twofold meaning of the words *ubi* and *inde*, and was intended, not to enlighten an intelligent audience on a subject which it might be presumed was already familiar to them, but merely to suggest to those that have to do with the training of the young, the propriety and advantage of presenting views and topics of discussion which relieve the grave business of classical instruction, in which I know, from long experience, the *élite* of every class take an interest, and of which they retain through life a grateful recollection.

EDUCATION.

President.

THE VERY REV. HENRY HART MILMAN, D.D., DEAN OF ST. PAUL'S.

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This Department deals with the various questions relating to Education, both industrial and intellectual, whether of the upper, middle, or lower classes of Society.

SUMMARY OF PROCEEDINGS.

In addition to the papers printed in the foregoing pages, the following were read in the Department:—

"The Objects of Elementary Education, with Remarks on the System adopted in the United States." By W. A. Shepherd.

"Application of the Fine Arts to Education." By M. Gérard.

"The Institution of Academical Degrees in the Science of Education, regarded as a Means of Promoting Educational Progress and Reform." By John Robson.

"University Degrees for Women." By Miss Cobbe.

"On the Expediency of a System of Promotion among National Schoolmasters." By the Rev. A. J. D. D'Orsey."

"The Bradford School of Design." By G. Miller.

"Ragged Schools." By Joseph C. Bell.

"Industrial Schools for the Children of the Poor in connexion with National and Parochial Schools." By Mary Shaw.

"Some of the Drawbacks to the Education of Boys in London, and the Means of Removing them." By the Rev. Charles Dasent.

"Endowment Schools and Charitable Trusts." By Miss Boucherett.

"On the Educational Collections in the International Exhibition." By J. G. Fitch.

"The Contrasts between Public and Private Teachers." By A. F. Mayo.

"On the Aid afforded by the State in Promoting a Knowledge of Science among the Industrial Classes." By J. C. Buckmaster.
"On the Kindergarten." By Dr. Hoffman.
"The Moral and Educational Advantages of the Tonic Sol-fa Method of Teaching to Sing." By J. Curwen.

MIDDLE CLASS EXAMINATIONS, AND UNIVERSITY DEGREES FOR WOMEN.

In addition to the papers of Mr. Heywood, Dr. Jacob, and Mr. Noel, printed at pp. 231, 241, and 245,

Mr. J. Robson, B.A., Secretary to the College of Preceptors, read a paper "On the Institution of Academical Degrees in the Science of Education, as a Means of Promoting Educational Progress and Reform," in which he endeavoured to establish the three following propositions:—

1. As the Educator operates upon the mind of his pupils, it is indispensable to his success that he should have an accurate knowledge of the constitution and laws of the human mind.

2. He should also be familiar with the various modes which have been practically tried of accomplishing the recognized object of education, and with the scientific principles on which they are based.

3. One means of inducing those who choose the vocation of teacher, to prepare themselves by such studies for the due discharge of their duties, would be for our universities to institute examinations in the science of education, and to distinguish those who display the due degree of proficiency in it by appropriate academical degrees.

The first, he thought, might be regarded as a truism, and yet, unfortunately, it had received scarcely any practical application, as might be seen in our universities and leading schools. It might seem incredible, but such was the case, that no provision had yet been made for ascertaining whether those to whom was intrusted the momentous duty of educating the young, had any sound knowledge of the human mind. He illustrated this want of educational science by the acknowledged ordinary usages of teachers; such as the "fagging system," "corporal punishment," and "impositions;" and chiefly in the irrational methods of instruction still pursued in the majority of our great schools. One of the causes to which this state of things might be attributed was, that till lately the duties of the teacher had been regarded as mainly consisting in imparting instruction, instead of developing the mental faculties. Mr. Robson insisted on the vital importance of a careful study of mental phenomena by every teacher; but as theory without practice was barren of results, and accurate knowledge did not always secure sound and beneficial action, hence arose the necessity of the particular knowledge, as stated in the second proposition. He then briefly alluded to the field of knowledge the proposition embraced. Many distinguished authors of modern times had written on education; but the history of education was still to be written, and if skilfully done would be invaluable, to gather together

the truths already established, but now scattered and lost in a thousand volumes. Assuming then the two first propositions, it remained to examine the third. Before doing so, Mr. Robson drew attention to the fact, that the College of Preceptors had always insisted upon the necessity for special attention, on the part of teachers, to the theory of their profession. The college, however, was principally composed of those engaged in private schools; and, even if it was not so, as they claimed no exclusive right of examination in the science of education, that institution would derive advantage from this subject being taken up by the universities. It was not the intention of the paper to enter into minute details; but Mr. Robson briefly referred to some of the objections that had been brought against his proposal. One of them was, "that the science of education is too restricted in its extent, and too special in its character, to afford a sufficient basis for academical degrees." This objection seems to arise from the limited views of those who make it. The argument lies rather the other way—the extent and difficulty of the subject deterring candidates from presenting themselves for examination: in mere extent, the knowledge demanded is at least equal to that required for degrees in medicine or law. Mr. Robson did not contemplate these degrees being entirely new, or independent of those already established; they might follow the degree of Bachelor of Arts or Bachelor of Science. Another objection raised was, that as no generally received psychological theory had yet been promulgated, there would be endless diversities in the views of examiners; so that educational degrees would not represent any thing definite and recognized, and hence would have little value. This objection proceeds on a misapprehension of what is intended. The candidates should not be required to give in their adhesion to any psychological theory, nor should the examinations be mere tests of knowledge of the numerous metaphysical speculations which have seen the light; but as, unquestionably, there is a large body of well-ascertained and universally admitted facts, relating to mental phenomena, which might with advantage be systematically studied by educators, to these the proposed examination should be confined. Another objection often put forward was, that no examination can test the fitness of candidates for the vocation of a teacher, since this depends quite as much on moral, or even merely personal, qualities, as any kind or amount of knowledge. This may indeed be readily granted, whilst the implied inference is denied. The same reasoning might be applied to the medical profession, but should all medical examinations and diplomas be therefore abolished? The objection really amounts to this: "Examinations cannot accomplish every thing, therefore they are useless!" This argument had been used against the civil-service examinations, and its fallacy exposed. Mr. Robson thought that such degrees would both be sought after and valued. In conclusion, he apologised for the cursory nature of this paper, as it had been written under the pressure of urgent occupations, but he hoped, nevertheless, it would not be wholly in vain.

Miss Frances Cobbe read a paper showing the desirableness of granting university degrees to women. This paper has been printed in a separate form.*

The Rev. A. J. D. D'Orsey followed with a paper, "On the Expediency of a System of Promotion among National Schoolmasters." He dwelt in indignant terms on the social brand which in this country is placed on the calling of the schoolmaster, and vindicated their claim to the appointment of school-inspectors, from which they were at present not only studiously excluded, but that exclusion even justified by the Commissioners of Education themselves, on the ground that their social status made it impossible for them to mix with the patrons of schools. He desired to see the calling of the schoolmaster a distinct profession, and that, in the future appointment of inspectors, a proportion at least should be practical schoolmasters, according to the schools to be inspected.

A special evening meeting was held at Burlington House, for the discussion of Middle Class Examinations and University Degrees for Women. Lord Brougham took the chair, which was occupied, on his retirement at a late hour, by Mr. Harry Chester.

DISCUSSION.

Mr. J. G. Fitch gave a *resumé* of the papers read in the morning.

Mr. Noel said, that as he had fully expressed his views in his papers, he should not engage their attention by a speech, but simply move:—

"That this Department recommends to the Council of the Association, the consideration of the question of special university examinations and certificates for middle class teachers, with the view of bringing it before the Universities of Oxford, Cambridge, and London."

Mr. Heywood seconded the resolution. At present there was no public and recognized trial of the power of teaching, as there was of acquirements in Greek, Latin, mathematics, &c. What was proposed would be an enlargement of the system of examinations. The universities had a great public prestige, and a schoolmaster who obtained a degree from these bodies, would have more weight with the public than one who got it from a private body such as the College of Preceptors, however respectable they might be.

The Rev. A. J. D. D'Orsey said, the universities had no means of testing the power of teaching. With regard to our lower and middle-class schools, it was [illegible] that the schoolmasters were deficient in knowledge—in many cases he thought they had acquired too much—but that they had not the practical skill which should enable them to impart it to others in a satisfactory manner. It was well known to all present, that in the ordinary schools it was found, that while the children were familiar with scraps of scientific knowledge, what were commonly called the "ologies" and "ographies," they were not put in possession of the instrument knowledge, reading, writing, and arithmetic; they were not thoroughly grounded in those elements which were necessary as the foundation of all knowledge. There were no normal schools in which the middle class schoolmaster could be taught the art of teaching. At the universities there were only two methods, professorial and tutorial. The professor gives lectures to which ten or [illegible] pupils go, and the private tutors, or, as they are technically termed, coaches, pupils into their own rooms, and give them private lessons. Now it was [illegible] that the universities should give degrees or certificates, that the person [illegible] was competent to teach. But how could they test him as a teacher? [illegible] could test his attainments, and so far their degrees were respected; but [illegible]

* "Female Education, and how it would be affected by University Examinations." London: Emily Faithfull & Co.

mprovements had been made. They all knew also that a great deal had one for the lower classes; and though he was one of the minority who it that the revised code had great merit, yet there was a large amount blic opinion complaining that the pupils knew too much. He considered know too much was impossible, but they were not always taught the right . It was thought highly desirable to find some means of affording to the classes the advantages already enjoyed by the upper and lower classes; to the proposal to remit that matter to the universities, he saw much force objection of the gentleman who had just sat down, that, as now constituted, iversities were not prepared to deal with the question. They had many of testing the acquirements of candidates for degrees, but the possession uirements did not at all imply the power of communicating them. They indeed, inquire into the theory of education, but that was not sufficient, might be well grounded in the theory, and yet not be competent in practice; an might understand counterpoint, and yet be unable to play a tune on the orte, or teach a person to play. There were three things to test: the can- should be well informed, he should know the theory of education, and he have the practical skill to put that theory into effect, and communicate n knowledge to others. If we were to have competent teachers, they must erior to those of the lower class schools. Now, what advantages had the First of all, they had a collegiate training; then they had a large t of instruction and solid information; and they were practised and tested power of communicating their knowledge to others. There must be a course of instruction in the art of teaching. They might put the matter the institution already referred to, and see how far they were prepared to

Jacob doubted the advisableness of doing what the resolution proposed. reed with a good deal of what was said as to the greater importance of wer of teaching over the mere possession of knowledge, and if they could thing which would confer on persons this power, he would most heartily t any resolution to carry out so useful an object. At present, we had no whatever for the direct training of masters and assistants for middle schools. not think that these schools wanted or would accept government aid. They ealous of interference, and there was an honest independence and self- nce among them; and if there was no other way to accomplish it he was the training must be given up. He dissented altogether from the remarks d been made in favour of a proposal, that the universities should recom- masters and teachers. He did not think the universities suitable for such e; they did not know enough of middle class schools and teachers to n the examinations with effect, and the masters and teachers did not know of the universities to feel confidence in such examiners. In a pamphlet

All I ever learned at Oxford, for which university I have a deep respect and love, did not teach me anything about middle class schools. The middle class schools require a body of examiners for themselves, consisting of their own rank and class. There might be men of a higher grade from the university, but there must be a very large admixture of the middle class themselves. In such a body they would have confidence, and they would know how to deal with the class of teachers. I am of opinion that, in the absence of any other body, the College of Preceptors is the best adapted for the purpose. It has already done much good, and if supported as it might be, and as I hope it will be, it may do much more. It has the machinery, and knows what is wanted, and, in my opinion, it applies its resources in a manner that is likely to do much good.

Lord Brougham—Before going to a decision on this subject, I wish to say a few words on the educational art. A great desideratum, and one which ought to be provided without delay, is a professorship in the art of teaching. The didactic art hardly exists at all. Men learn it by experience; but they do not know it on principle, scientifically and generally. When once it is thoroughly and generally taught, there will be an end of all difficulty as to the kind of teaching of the different classes.

Dr. Hodgson said, before the close of the debate, he wished to give his reasons for not supporting the resolution; and it was not from any feeling of hostility to the universities, but because he felt strongly that they were not the bodies best fitted for the performance of such a duty. He agreed with Dr. Jacob, in thinking that the same body was not suitable for different classes, any more than a penknife or razor, however fine its edge, would be fitted to cut down timber. But he did not think that the instruction of higher and lower classes required different, much less lower, faculties. The art of teaching was essential in itself, and apart from questions of time and place. The man who was fit to teach in one, was fit to teach in another. He could not think that Dr. Arnold would not have been fit to teach in any class if he had been placed in a different position. The differences were not vertical, but horizontal. The essential basis was the same, but the difference was in the superposition; that in the higher some things were added to the lower. But the expression still contains a truth, practically considered, an important truth, that for the upper classes a set of men prepared in one way were required, and for the lower sort of men prepared in a different way—that a man, though trained in mathematics and classics, might not be taught in what all agreed was wanted for the lower classes. The statement of Mr. Noel, that those who had been trained in the university are unfit to teach in the middle class schools, he would carry a step further, and say that, for the same reason, they were unfit to be school inspectors. At one time he thought it unfortunate; for the great mass of the inspectors had been men educated in universities and in grammar schools. Now that they have served in that office for many years, they no doubt exhibited considerable knowledge of their duties; but that knowledge has been dearly bought by many years' loss of time at the national expense. They were unfit to teach, to inspect, or to examine; and simply because the theory is different from what the friends of education must acknowledge to be the true one. He went on to say that his view was not entirely theoretical, but was supported by illustrations in practice. The veterinary surgeons were united into a body to examine, and to grant diplomas, and the same thing has been done in the case of the dentists. But both of these professions examine themselves, and of their own accord. It is all carried out by a voluntary agency. Since 1846, a body of a similar voluntary constitution has existed in the scholastic profession; and a few names from the list would show the high standing which the institution has, and the respect which is due to it. The Royal College of Preceptors had existed since 1846. In 1849 it obtained the royal charter. It had struggled through difficulties, and had met with some adversity but with still greater prosperity, and was now entering on a career of prosperity which nothing but such a motion as this could stop. If this motion was carried, it would involve a vote of censure on, or want of confidence in, that institution. The ground was pre-occupied, and was not open to be disposed of as we might think proper. There was in the paper of Dr. Jacob a sentiment to which he was opposed. In this [illegible]

at it leaves all those who have not the title free to act without it. Let be allowed to hold, without earning, the titles which we have earned; us not have so little confidence in that which they represent, as to desire hers should not be allowed to practise without those titles. The College ceptors had advantages for granting of certificates which no other ion possessed. First, there was no government influence; secondly, it was ical, and within the reach of the teachers; thirdly, it was held at various easily accessible. If the college would only establish local examinations hers, it would be irreproachable. The last condition required was, that mining body should have the authority sufficient to give weight to its s; the college was gaining that authority. If time for its development llowed, it would be the means of advancing education throughout the at large.

Noel said, the object of the resolution being to raise the discussion, he anxious to press it to a division, but, with the consent of the seconder, withdraw it.

Heywood assented, and the motion was withdrawn.

d Brougham said, the next question for discussion was as to pediency of granting degrees at the universities to women.

Shaen moved a resolution, to the effect that the Council should represent Senate of the University of London the desirableness of their undertaking y of affording women an opportunity of testing their attainments in the lid branches of learning.

proposal to give degrees to women had been rejected by the Senate of the University on legal grounds. They did not disclose what those legal s were, but it was pretty generally known that they were two; and that they d, first, on the interpretation which was placed on certain clauses in the ; and secondly, on what had been the practice from time immemorial in bodies. Now, in the second clause, the object of the institution is stated to hold forth to all classes and denominations of our faithful subjects, any distinction whatever, an encouragement for pursuing a regular and course of education." And in the third clause it is stated, that the ity is founded "for the purpose of ascertaining, by means of examination, sons who have acquired proficiency in literature, science, art, and other ents of knowledge, by the pursuit of such course of education, and of ng them by academical degrees and certificates of proficiency, as evidence respective attainments, and marks of honour proportioned thereunto." thirty-eight confers upon the Senate the power of conferring, after examina- e respective degrees of bachelor and master in arts; bachelor and doctor science, medicine, and music; and master in surgery; and also to confer

that men only have hitherto had degrees conferred on them. These are the existing technical difficulties, and they seemed to him to be so exceedingly slight, that the very day that the Senate have a distinct desire that women should be admitted to degrees, they will find a means of admitting them. The practice of the older universities had not always been held binding. On any point on which they have desired to differ from the older institutions, they had never found any difficulty; and one of the great boasts of the London University has been, that it differed widely from others in not requiring collegiate residence; and there are numbers who have obtained degrees without attendance, and by studies exactly similar to those of hundreds of well-educated women. The other technical difficulty related to the titles of degree. Lately, one of the old universities thought it necessary to find a new name, and curiously enough the one they selected was one which would be equally applicable to men and to women, "associate in arts," which was the title intended to be given to those who passed the middle class examinations. He was sure that, when there was a real desire to find a way out of the difficulty, the way would be found. It was curious that the first important discussion on the question should take place in the room where the question would be settled some time or other, in the room where the convocation of the University of London meets; and though the Senate, and not the Convocation, is the governing body, still the Senate would not force female graduates upon the others, in opposition to the wishes of Convocation; and, on the other hand, there could be no doubt, that when Convocation made up its mind that degrees shall be thrown open to women, the Senate would be of the same opinion. He was strengthened in this opinion by the division in the Senate which had taken place upon this question. There were twenty senators present, in addition to the chancellor, and on the division there were ten ayes and ten noes. The motion was lost by the graduate element; for, excluding the graduate element, there would be a majority of three in favour of the motion. The question was one in which great interest was taken out of doors, and the feeling out of doors would not be put out of question. The best course would be, to commence by endeavouring, not to affect the Senate, but to obtain the adhesion of Convocation. It appeared that the Convocation was the most conservative element in the constitution of the university, though the fear of its radical tendencies had led to a struggle of ten years' duration. Much had been done by the university to improve education, but nothing which it had yet done would exercise so great and important an influence as would its adoption of this proposal, which had already been made and had been so nearly successful.

Dr. Hodgson seconded the resolution.

Mr. Chester said, this was a very important question, and he thought it was quite necessary that means should be taken for improving the education of women; and that this should be done by establishing some competent authority for the purpose of testing their acquirements, and attesting them by something like certificates. But he could not go the whole length of saying, that this would be best accomplished by pressing the universities to undertake this duty. Though Mr. Shaen's criticisms on the words of the charter were ingenious, he doubted whether they would hold water in presence of the common sense of the public. There could be no doubt that the founders of the school, and her Majesty the Queen, when the university was established, did not contemplate the admission of women to the degrees; and in this country there was great jealousy against the use of powers for objects which were not originally contemplated. Again, if they were to begin to make female bachelors, masters, and doctors, it would excite so much ridicule that it would rather throw back than advance the object. What was wanted was something which would prove to others, on the authority of a competent tribunal, that women actually possessed certain attainments. He thought the university had quite enough on their hands; and, if they were forced to take up this matter, it would be a secondary object. What was wanted, he thought, was a special university to take up the education of women alone; and this association might at once proceed to establish such an institution. He referred to an association with which he was connected, the Society for the Encouragement of Arts and Manufactures. Mr. Chester then gave an account of the origin and formation of the board of examiners of the Society of Arts,

which had now been in existence some years, the number of candidates for examination had increased from year to year, and was this year upwards of one thousand. The Association for the Promotion of Social Science was an admirable institution for ventilating questions; but they certainly did talk a great deal, and he thought if they would appoint committees to carry into effect the results of their discussions, they would greatly extend their sphere of usefulness. If they would constitute a separate council, consisting of some of the most distinguished persons whose names were on the register, he was convinced that the Society of Arts would co-operate with them. At the examinations of the Society of Arts, women had actually presented themselves as candidates for certificates. When something of that kind had been done, and it was clearly established that women had a desire for the distinction, then, and not till then, would it be time to go to the government for a charter, to give a permanent character to their operations.

Dr. Foster said, that the decision of the Senate of the University of London did not depend on the opinion of the Committee, but on that of the law-officers. Whatever the Committee might desire to do, they clearly could not do so if they had not the legal power; and some time must pass before they could obtain it. He thought the most advantageous mode would be to attack the Convocation, and leave the Senate till the Convocation was won. He thought that the Universities were a better body than the College of Preceptors to give degrees, as they had a higher prestige. The ladies who desired to be admitted to the universities did not want to take the same degrees as were given to men, but they wanted some competent authority to say, that they have acquirements equal to those for which the degrees were given; that the degree of proficiency was the same, whether by the same mark or by any other. If a degree was given by such a body as was proposed, the world would say—"It is very good, but it is not Oxford or Cambridge." He presumed that the Association was not in command of a surplus fund of £2000 or £3000 a-year, and they would certainly not get it from government, and it would cost quite as much to carry on such an institution as that proposed by Mr. Chester. But he thought the universities could do so for a very small sum.

Mr. Horsley said the difficulties of the question had been twofold. It was felt that there would be a great deal of opposition if the same titles were given to women as to men. But that ought not to be sufficient to deter them from adopting such a course if, in other respects, it appeared right and desirable. The members of the Senate had considered the question, and had come to the conclusion that they were not in a position to adopt the proposal. The university was intended for those classes who were excluded from Oxford and Cambridge; but they did not, and ought not to, take any steps that should place them in a different position from these universities. Even those who thought it would be an honour to the university to take the course suggested, must feel that it was a difficult question to deal with, and that the Senate ought not to incur the responsibility unless they were convinced that it was the course which they ought to pursue. That was not the opinion of those members of the Senate who decided against the vote. But the resolution before this meeting was very different from that which had been submitted to the Senate. The issue raised before them was one that had been —without using the word in a depreciatory sense—glided over in the present discussion. The issue presented to the Senate was the identity of a long protracted scheme of education for men and for women. They had long been endeavouring to improve the continuous course of education for young men, and now they were called on to say that the same course of education, with the same severity of examinations, and the same intervals between periods of study which would suit young men, would also be the best calculated to suit young women. They did not feel that they were in a position to say any thing of the kind. They thought it right that the attainments of women should be tested and attested, and if so, it ought to be performed by a body of weight and dignity; but they thought that the examinations and the whole course ought to be such as was adapted to the wants of women. But it was felt, and the argument was strongly put, that if such a course was to be adopted, they wanted not only lady candidates, but ladies to help them to decide what the course ought to be. None of the advocates

seemed to be prepared for that. The real question was, whether the same training and discipline should be applied to men and to women? and he was glad to hear that, as far as he could gather, that question was dropped to-night. If the proposition of to-night came before the Senate unhampered by conditions, that would be a different matter; but he believed that some of those who supported the proposal would have valued it very little unless with the condition that distinctions of sex were to be ignored. This had been the position hitherto. The matter might now come before the Senate in another and different light; but it was not to be understood that he took it up even in that light. The university might become a double institution, and they might get the assistance of ladies who were well qualified to help in the various departments. But he thought the university had enough on hand already. It was not a body governed by persons whose whole attention was given to teaching. It was, in fact, a body of amateurs, some official and some professional. They gave all the time they could; and, even now, they had a very large amount of work which was constantly increasing; and he did not undertake to say that they would double their institution by adding a separate department for ladies.

Lord BROUGHAM having left while Mr. HORSLEY was speaking, the chair was taken by Mr. CHESTER.

Mr. SHAEN would have been glad if some gentleman had moved another resolution, to the effect that some means be taken to obtain the desired result by means of some other tribunal, if they were not prepared to refer the question to any existing body.

The following amended resolution was put to the meeting, and carried unanimously :—

"That this meeting is of opinion that means ought to be provided for testing and attesting the education of women of the middle and higher classes, and requests the Council of the Association to take such measures as they may deem expedient for the attainment of this object."

PUBLIC ELEMENTARY EDUCATION.

The papers of Mr. Melville, Mr. Fitch, and Mr. Mann, printed at pp. 249, 258, and 267, were read, and a short discussion took place on the various points of public elementary education brought forward in them. The President stated that an opportunity for their full discussion would be afforded at the evening meeting.

DISCUSSION.

Mr. HAMILTON said, that the rate of wages paid to the labouring classes had been, amongst other things of an important nature, alluded to in the papers which had been read; but one thing struck him rather forcibly, and that was the expressed opinion that the taxation of the country pressed heavily on the working classes, and it occurred to him whether the amount of pecuniary aid which was granted to the poorer classes, or a large portion of them, might not be looked upon in the light of restitution for heavy—not to say undue—taxation.

Sir BALDWIN LEIGHTON thought that great care should be exercised in asking the financial minister of any government to make any grants, for there was no doubt if the amount exceeded a million, Parliament would sweep it off altogether. Therefore it was necessary that in the matter of these grants some alteration should be made in the course adopted. At present, rich parishes had as great a claim on the grant as the poorer parishes, and received the same if the schools were equally well-conducted. He thought that this was a question

rism, as applied to education, were inapplicable. If the term was to be d, then, he asked, to how many of our great men would it refer? Had not Granville, the Right Honourable Mr. Lowe, and many other gentlemen of position, been brought up in endowed institutions; and had they ever had towards the rent of the building in which they were educated? In all things there had been a great deal of the voluntary principle exhibited, erefore he objected to the term "pauperism" or "dependence" as being able to the general course of education.

Reynolds was desirous of making a few remarks with regard to the term rism, which had been used in one of the papers. A large number of figures een given to show that the 16,000,000 of labourers received something like 000,000, and the question arose in his mind whether they could be said to uperised by receiving the grant, when it was borne in mind that in a r of the articles of their daily consumption they were very heavily taxed. ought that the grant was only a return from those taxes; the object being to the children of the working-classes in their moral, intellectual, and social n. It really could not be said that these men were being pauperised, for most cost of the education of their children was sixpence a-week! There n enormous amount of wealth in this country, and therefore it was not, the circumstances, at all proper to say that we could not afford the money to te these children. It had been said that the grant had been gradually sing; but, to his mind, that was only an indication of the increase of the ation and the wealth of the country. He, therefore, thought it would be a mistake to discontinue the grants which had been made for the promotion ular education.

. Shepherd read a paper on "The Objects of Elementary Edu-," in which he pointed out the mistakes frequently made, both arents and teachers, as to the nature of education; the former dering education to consist in so many days or years spent at l; the latter in a certain number of text-books being mastered by upils in a given routine of study. Neither of these, alone or con-y, constituted education, which was something more than mere ction. Pupils should be taught to think; and the highest object ucation was mental discipline. He objected to the oral method aching (though no doubt more agreeable both to pupils and ers), as it failed to cultivate the powers of attention and concen-n. There was no royal road to learning, and the difficulties the

both manners and deportment; obedience, *per se*, obedience to recognised authority, should be inculcated in every lesson. This habit, accompanied as it must be by self-restraint and self-denial, would have the most lasting effect for good on the whole future of the child. Mr. Shepherd concluded by drawing attention to the "Common School" education in the United States. These schools are of three grades—the primary, the grammar, and the high-schools. The pupils pass by examination from each of the lower grades to the next higher. The schools are municipal institutions, conducted by committees elected by the people. The committees appoint the several teachers, and have complete control over the whole school arrangements. The schools are free to all. The teachers are, very generally, men of ability and earnestness. The system is being gradually adopted by a considerable number of the States, and a free education, carried on in well-built and airy school-houses by earnest and instructed teachers, is becoming more and more to be regarded as of primary importance to the future progress and well-being of the community.*

Mr. Ernest Noel briefly referred to the state of the system in America, and said that the intention was that all classes of children should have the same education; but he doubted whether the system could be applied in this country.

Mr. Renton said that, in some of the cities of America, the combination system was in existence; in Boston, the children of the highest families were to be seen in the same class with the daughters of the poorest people and humblest tradesmen; but he did not think the system could be transplanted here.

Mr. Hodgkin expressed his approval of the principles laid down in Mr. Shepherd's paper. The system, as carried out in some parts of America, might be said practically to bring education within the reach of the poorest without making them pauperised; and, he thought that the principle might be introduced here with advantage. He wished to know how information was gathered with respect to these schools.

Mr. Shepherd said that the information was mainly supplied by an association of teachers from the different states. The system of schools was municipal, but they had schools endowed by the state, which were sometimes called colleges, scientific schools, and high schools; but the common schools were under municipal regulations, and supported by the towns or cities where they were established. In some cases the endowed schools were very rich; for, where land had been set aside for the support of the schools, as the neighbourhood increased the land enhanced in value, and where this had been the case, most liberal salaries had been paid to the teachers, and the best talent employed. As to the common schools, where the grant was not sufficient, money was supplied by a tax, called the school-tax. That was done both in Boston and New York.

The special evening meeting on this subject was held at Burlington House, the Very Rev. the Dean of St. Paul's in the Chair.

Mr. Ernest Noel thought that they would all agree that the present educational system in England was not what they would wish it to be. Neither the old system nor the new could be regarded as permanent or satisfactory. He thought they would agree with him, that there must be some plain system, which, to be accounted as satisfactory, must reach the large masses of the country; and that no system would be considered satisfactory which did not give to the children under instruction a sound elementary education. He knew that at the present time there was a great cry for retrenchment and economy; not that the government were unwilling to give a million or so; the cry was, not to have the public

* Transactions, Vol. of 1860, p. 327.

than mechanical results were arrived at. If they could discover any system hich more practical results could be arrived at, a great object would be ved; and he thought it could be so without such an enormous expenditure me appeared to imagine was necessary; and another thing was the com- ty of the present system. Sir James Kay Shuttleworth had shown how to id of that complexity; if that course were adopted, something sound and for the cause of education would be the result.

r. Mossman called attention to the bill introduced by the Lord Advocate for and, as showing how difficult it was to agree to a general system of educa- A general wish had been expressed in Scotland for an improved system of ation, and the Lord Advocate was requested to introduce the bill; that bill been discussed by all classes—landed proprietors and citizens—and, singular y, there was not a single class in favour of it. Every class had its objection e measure, and therefore the Lord Advocate had been induced to withdraw His own impression was, that if any member of the ministry wished to meet eneral views on the subject, a system must be propounded which would the wants of the community at large. He thought it should be made com- ry on the parents to send their children to school under heavy penalties. elieved the compulsory system was in operation in some places, and should ry much pleased to hear how it had been found to work. There was no doubt either from the neglect of the parents in not sending the children to school, m the desire to make money by setting them to work instead of attending eir education, a great number of children were brought up in ignorance.

r. H. Roberts said the papers which had been read in the morning were icting in their opinions. One was on the side of the new code, on ssumption that the old system was a complete failure; and another had the opposite view. Now, if it were true that that system had been a re, it was time that the country should look to it. But what had been to ascertain that it had been a failure? They had opened a commission. commissioners had based their report on the reports of the assistant nissioners, who admitted that the schools had been successful in the l training of the young. It must be admitted, he thought, that if children wanted moral training, they were the children of the working- es. The influences which were brought to bear upon the children of the r classes, of three or four years of age, were very different to those in the of the children of the poorer classes. The teaching of reading, writing, arithmetic, was held to be the great thing, and it was from the alleged re in that respect that the reports had gone abroad, and that those conclu- had been forced on the public mind, by the *Times* newspaper. He asked, had the assistant commissioners done to ascertain whether reading, writing,

room. In no case where they visited did they examine the lower classes. Then, he asked, how could they report that the teachers neglected the reading, writing, and arithmetic?

Mr. Chadwick said that the previous speakers had alluded to mechanical results from teaching the "Three *R's*," but he wished to remind the meeting that there were also the moral results to be looked to. In his examinations into the old poor-law system, he not only inquired into the teaching of reading, writing, and arithmetic, but he tested the moral results by ascertaining how the children succeeded in after life—how many had got into situations, and how many had kept their places. That caused him to attach much importance to the characters of the masters or mistresses. Where the children were put under a dirty, ill-conditioned pauper, the general answer of the employer to the inquiry as to how they got on was, "Oh, sir, they are a bad set; we can do nothing with them!" But where he found the children had been in a school where attention was paid to their moral conduct, the answer was, "Oh, sir, we have no difficulty with them; we get them into service; they are no longer paupers!" He had found, as they had advanced in the quality of the masters, greater moral results had very largely followed; but in the other class of children two-thirds of them were lost to industry and good order, and were either on the streets, in the House of Correction, or had come to an equally sad end; only a very few were to be found in places. Mr. Walters of the *Times* had said—"Why should they not depend on mechanical and not moral results?" But his answer to that was, that his experience had shown him that, where moral results had been looked to, it had been found that the children had in after life obtained and held places in the middle and higher classes of society. Mr. Chadwick then referred to the upper classes of schools, and said he thought nothing was more delusive or shallow than the testing of the upper classes. With regard to the schoolmasters in the lower schools, he thought that men of influence and good manners should be selected, quite irrespective of mechanical skill, and that they should be properly paid; it was decidedly bad policy, when it was desired to get and keep together the best men, to introduce a measure dragging them down lower, instead of elevating their position.

Mr. Forsyth remarked, that as the question of a compulsory system had been mooted by the previous speakers, he could bear his testimony to the manner in which the system had succeeded in Sweden. In that country all parents were obliged to send their children between the ages of seven and twelve years to school. The system was objected to in the first place, but, at the present time, it worked very well. He would not give any advice to England to adopt the system or not; all he said was, that it answered very well in Sweden; and he thought he might say that it would be impossible to give education to the mass of the people, unless it was made compulsory that the children should be sent to school at certain ages. In many cases the children did not like to go to school—to learn grammar was repugnant to their inclinations; and the parents, in many cases, did not like to send their children to school for several reasons. In Sweden, where it was compulsory that the children should be sent to school, there was a fine to pay for disobedience; but not one instance had ever come to his knowledge of its having been exacted, as the parents submitted to the system, it had that influence on the parents that they always would send their children to school. The result was, that the children were able to read the Bible and Testament, read sermons and write letters one to the other, and the clergy said that in all their experience they found the children able to read and say their catechism. In conclusion he said, that to make a system of popular education good and efficient, the attendance of the children must be compulsory.

Dr. Hodgson, as one of the assistant commissioners, thought the schoolmasters had been most unkindly treated, and that their evidence has been distorted. He wished to say that he was not the person referred to by Mr. Roberts as having made the "examinations." His impressions were entirely in the te[illegible] those upon which the report was founded. It had been said that results s[illegible] be paid for, but he thought that those which were the best results should n[illegible] overlooked. He thought the saying that results should be paid for, was not more nor less than an *ad captandum* phrase, and should be treated as [illegible]

After some further remarks, he concluded by saying, that in his opinion the revised code was a great calamity to this country, and, though the matter had been compromised, they had not yet heard the last of it.

THE HALF-TIME SYSTEM.

On the reading of the paper of the Rev. J. P. NORRIS, printed at page 272, the following discussion took place :—

DISCUSSION.

Mr. RENTON said, the difficulties in carrying out a half-time system were two, viz., the multiplicity of small employers, and the large number of parents who had no sense of responsibility or morality, and had no care for their children so long as they could be sent out to earn money. He thought that these difficulties would prevent the system being adopted in the agricultural districts. It had been said, that the children should be certified by a clergyman as being able to read and write; but he regretted to remind the meeting that there were many districts without a clergyman.

The PRESIDENT thought that some other machinery should be employed in certifying the children's ability to read and write than the clergy, who were in many cases too hardly worked already.

Mr. ERNEST NOEL said that, with regard to the difficulties of carrying out the system in the agricultural districts, there was a gentleman in the meeting who had had much experience of the system in these districts, and would, doubtless, give some information as to the success which had attended his efforts.

Mr. PAGET said, that four years ago he read a paper at Liverpool, in which he expressed an opinion that the half-time system could be satisfactorily worked; and his subsequent experience had shown that he was correct. In the rural districts in which he resided, he had tried the half-time system on a farm three hundred and fifty acres in extent; but as the children were wet and dirty from the morning's work, and a change of dress for school was necessitated, he adopted the system of working and schooling on alternate days, and he had found the system to be attended with the most satisfactory results. On the one day they worked ten hours, and on the second day they were five hours at school and five hours at play, and he had found that the work was done much better by those who only went on alternate days, than by those who were constantly at work. The children, also, attended more closely to their studies than if they were regularly at the school; and, in fact, the day on which the schooling took place was hailed by the children with the greatest delight. In factories in rural districts, the highest results did not follow, because the parents sometimes employed the children on the farm until the children lost that delicacy of the hand so essential to the due performance of factory operations. The educational system did not succeed so well amongst those children; for where the children did not read before the age of ten (about the time they were sent to the factory), they had not the same taste for reading. Such was the success of his system, that in four years the number of reading children had increased from ten to forty-two per cent. Wherever he could get children from nine to ten years to read tolerably, he found that they continued to make further progress. In conclusion, he cited several cases where the children in his school and on his farm had progressed most wonderfully, and procured high and responsible situations.

Mr. CHADWICK said, that the importance of this subject could not be too highly appreciated, and he was glad to say that there were a number of schools in existence where the half-time system was carried on; for he stated, without fear of contradiction, that every class of work was much better performed by those o attended the half-time schools than by those who attended work regularly. om great attention he had paid to the subject, he found that not only was the rk better done, and the schooling more carefully attended to, but in every ıse the sanitary condition of the children, and those with whom they came in

contact, was considerably improved. The children themselves were much cleaner, and the health of children and teachers was much better, than under the old system.

Mr. HAMILTON should like to hear whether any thing had been done abroad in adopting the system.

Mr. CHADWICK said, the system was a novelty on the continent, but in America it had been adopted.

Mr. E. C. TUFNELL, as an inspector of the pauper schools of the country, had had many opportunities of watching the effects of the system. The alternate system was adopted in all pauper schools, and the highest results accrued, as must be the case, from a division of labour with intellectual pursuits.

The Rev. NASH STEPHENSON said, that many children earned good wages, and the parents felt the loss of the money if the children were not at work.

Mr. AKROYD thought that no system of national education could be complete without the half-time system. As a large manufacturer himself, he had adopted the system at his factory with the best possible results. The infant school was attended by 235, the girls' school by 219, and the boys' school by 307 children. Some of the boys were trained and drilled by a sergeant, a system which was most beneficial, because it made the boys obey orders quickly, and improved their physical condition. There was a young woman's institute, but the attendance was very low, owing to its being the summer season. The working men's college, which was a sequence of the boys' school, had 149 students. There was a loophole in the Factory Act, by which children of thirteen were allowed to enter upon work without going to school at all; and he suggested, as a remedy, that no children should be allowed under thirteen to enter work unless they could pass an examination in the three R's.

The PRESIDENT asked whether Mr. Akroyd was in favour of the half-day system or the alternate system?

Mr. AKROYD said, that the half-day system was carried out in his factory, but he saw no difficulty in the way of the alternate system being adopted.

EDUCATION OF PAUPER CHILDREN.

Mr. E. C. TUFNELL and Miss MARY CARPENTER read the papers "On the Education of Pauper Children," printed at pp. 278, 283, on which the following discussion took place:—

DISCUSSION.

Mr. CHADWICK agreed with Mr. Tufnell, that it was most advisable that the children should be kept apart from the adult paupers. It had been proposed that the children, the adult males, the adult females, and the infirm, should be kept in four separate departments; but the matter being left to the guardians, who had a money interest in it, had not been carried out. Something ought to be done to prevent the spread of mendicancy. It must be stopped in its infancy; education must be given to the children, and the young depredators and mendicants would be removed, and thus a large class, which cost the country vast sums of money, would be placed in a better sphere of society. Having briefly referred to the mode of employing teachers, he said that great improvements had been made in the system of teaching in pauper schools, which result was owing to the steady, zealous, and assiduous attention which Mr. Tufnell had given to the cause of education.

The Rev. Mr. VIGNOLES said, he was chaplain to one of the large district schools referred to by Mr. Tufnell, and could speak from experience of the manner in which they were conducted. Every day tended farther to convince him of the vast importance of the schools. He did not think they should exaggerate the success of this system of training. It was difficult to prevent a failure of fifteen or eighteen per cent. of the cases which come under the system. The supervision which was put upon the children after they were placed in situations kept up the feeling of association between them and the schools, and cau-

number to return to the school. But the returns in most cases were not permanent, but merely until the girls procured other and better situations. With regard to the training of the girls, he thought it had been especially successful. In the Norwood school, with which he was connected, the girls were trained for service, and many of them were most efficient in the performance of household duties. He agreed with Mr. Tufnell and Miss Carpenter, that there should be a Refuge for girls above sixteen years of age, for, if they were mixed up with the adult paupers, they were invariably lost.

Mr. TUFNELL said, he fully concurred in all the observations made by Miss Carpenter. With regard to the remark made by that lady, that in all these schools there should be a mixture of voluntary and government assistance, he reminded the meeting that a bill had passed the House of Commons which would effect that object. It was generally found, that when government did any thing by itself it made a blunder of it, and private persons also made mistakes, but if the two parties joined, then they kept a check upon each other. He would, with permission, propose the following resolution:—

"That it be recommended to the Council to consider the expediency of pressing upon the attention of the government, measures for the extended application of the administrative principles, of which the beneficial results have been displayed in the district schools for destitute orphan children."

The Rev. Mr. Vignoles seconded the motion.

Mr. HUGH OWEN thought that the passing of the resolution would have a tendency to destroy the existing workhouse schools.

Mr. CHADWICK said he did not wish them to adopt the resolution, but he wanted the council to consider the matter. He begged to remind them that the resolution proposed that which the Duke of Newcastle's commission recommended. The schools he proposed were confined to the destitute orphan children who were now chargeable.

Mr. W. M. TART thought that very little good would result from any system of training, unless the girls were taught how to make the homes of their husbands happy and comfortable; and that the suggestions in Miss Carpenter's paper on that point were to his mind of the greatest value.

Mr. HEYWOOD said that the practical difficulty in the way of effecting all those improvements which had been suggested was the want of funds. The guardians in parishes were chosen because they were the most economical persons; so that, when people come to organize a school in which more good would be done, these guardians were found in the way. He had no faith in the guardians themselves for effecting any of the suggested improvements, and therefore thought they should try to find some other means of carrying out any improvements of the kind suggested.

Mr. RENTON agreed that the difficulty was in obtaining the means of accomplishing the improvements. In his part of the country there was a great deal of outdoor field-work, by which young girls earned £7 or £8 a-year, and board and lodging, but the employers were only responsible for the outdoor work. This was an inducement which led the young girls from school at an early age, and they were most ignorant. They worked from six in the morning till six at night; and, considering the other time their own, would not do the slightest thing for themselves or any body else. The result was, that they spent their money in dress, and, not being able to make their own articles, had to pay for the making. They were consequently unfitted for domestic duties, nor could it be expected that they could make good wives or mothers. Under this state of things, industrial schools were very much needed.

Miss CARPENTER was not aware that such a lamentable state of things existed as had been stated by Mr. Renton. Perhaps it was generally known that Mr. Chadwick was engaged in extending the half-time school system, and what she would recommend to Mr. Renton was this:—She would have him consider ther he could not bring about a half-time school in that agricultural district, reby he could very much remedy the evil which he had spoken of. He must st the sympathies of the farmers and others in the district to assist him in ploying the children half the day. If this were done, the parents would more willingly let the children go to school, as in the other part of the day they could

be earning money to help to support them, and pay for their schooling. Her brother, Dr. William Carpenter, had established one of these half-time schools at Hampstead.

The resolution was carried.

SCIENCE AND ART.

Mr. Buckmaster, in a paper "On the Aid given by the Department of Science and Art, in Promoting a more general Knowledge of Elementary Science among the Industrial Classes," pointed out how Mechanics' Institutes had failed from various causes in imparting sound scientific knowledge; he still thought that these institutions contained the germ of great usefulness, and the organization by which a comprehensive scheme of adult or secondary education might be carried on. Up to 1851, the advocates of industrial education had to establish their case on abstract arguments; but the first international exhibition was the means of producing a great change in public opinion, and memorials from the large manufacturing towns were presented to parliament, arguing the necessity of some more extended system of practical scientific education, which should place within the reach of the industrial classes a much higher standard of technical attainment than they could ever hope to possess without some central organization and assistance. In 1852, several institutions, scattered over the country, were united to form a Department of Science and Art, which was placed under the direction of the Board of Trade. The old schools of design were superseded by schools of art, or drawing schools, and at the present time, ninety of these schools are teaching the elements of art to 92,000 pupils. In 1857, the department of science was placed in connexion with the Committee of Council on Education, charged with the duty of offering to the public increased means of promoting secondary or adult education. Mr. Buckmaster then gave a detailed account of the working of the examinations held at South Kensington, by which the successful candidates, or holders of certificates, are enabled, under certain regulations, to earn twenty pounds per annum by teaching. He did not contemplate the withdrawal of men from the useful handicrafts to become teachers of science; but thought that, during the winter months, it might be made a useful addition to a man's ordinary income. The classes for instruction are under the management of local committees. Mr. Buckmaster concluded his paper by showing how, in every way, a man was raised and benefited by becoming an intelligent agent, instead of remaining a mere machine. Labour to the instructed man becomes sweet; in his hours of leisure he meditates on new plans and ideas; his mind and heart expand together; and, while he has learned to esteem himself, he has learned to feel and sympathize with the condition of his own order. It is the separation of knowledge from labour that has given rise to the degrading distinction of a class of the community called "hands," men who take a part all their lives in the practical application of great scientific truths without ever comprehending them, men who have continually before their eyes combinations, the con-

THE TEACHING OF ECONOMIC SCIENCE.

Mr. E. K. BLYTH read a paper "On the more Systematic Teaching of Rules of Conduct in Harmony with the Truths of Economic Science," printed at page 309.

DISCUSSION.

The CHAIRMAN said—He was sorry to see that the truths of economic science were introduced in so few schools, but at the same time it was pleasing to know that they were taught in the British and Foreign Society's Schools, the Home and Colonial Schools, and the Birkbeck Schools. There was no doubt that the lessons were much wanted in after life, but he should think the difficulty would be in getting proper teachers to give the instruction. They would almost require a normal school for teaching the masters themselves.

The Rev. NASH STEPHENSON remarked that the principles of economic science were taught in the Female Colleges.

The Rev. Mr. MOLESWORTH said that the principles were taught in some of the national schools, and in Archbishop Whately's schools, in addition to those which had been mentioned.

Mr. HEYWOOD said that at Rugby, and the other large public schools, there was a great deal of Latin, and Greek, and English composition, and he thought that the principles of social economy might, with advantage, be introduced as one of the branches of composition. He hoped that the commission just issued, and now visiting our schools, would recommend a less quantity of Greek and Latin verse, and a larger amount of attention to the principles of social economics.

Mr. SMITH said there appeared to him to be a practical difficulty in carrying out the system in larger schools, for the science could only be taught orally, to be in any way successful. He would ask Mr. Blyth to give him some idea of the size of the schools in which the principles of the science were taught.

Mr. BLYTH said Mr. Sheilds was present, and would be better able to give the details of the school he managed. He believed it held some 500 or 600 boys.

Mr. ERNEST NOEL thought the most important part of the question was as to the selection of schools for teaching the science, and whether it could be taught by an ordinary schoolmaster without any special training. Might it not be a very dangerous mistake to allow an ordinary schoolmaster, receiving his £50 or £60 a-year, such as was to be found in our village and country towns, to instruct children in such delicate subjects as those of capital and labour? Would it not be imperative that the masters should have some special training in the principles of the science? He should like to know whether, from the ordinary class of teachers, those could be found who would be competent to instil such ideas as were embodied in that science into the minds of the young?

Mr. SHEILDS, before answering any remarks which had been addressed to him, wished to make one or two observations on the question, and he assured the meeting that he did not intend saying one word against the teaching of the classics. He did not believe that a man could be brought up as a good critical scholar without a collegiate education. Mr. Blyth in his paper did not ask that the instruction in the classics should be discontinued, but that the truths of economic science should form a part of the instruction of the young. He wished the Department to bear in mind, that upon the education and training of the young depended the welfare of the country. The little boy—the child of the man with small means—would have to go into life long before the classical scholar, and it was to that class that the teaching of social economics was of such vast importance. If they got a boy to school, and kept him until he was ten or eleven years of age, and showed him the path of life he was selected for, and pictured to him the influence of the homes and families of the drunkard and the steady man—more good was done to society at large, than by the teaching of classics which would never in after life be called into requisition. If they could show the various a

of life and their results, the youths would learn a lesson which would teach them to listen to the voice of conscience whenever there was the slightest disposition to do wrong. Mr. Noel had asked whether it was possible to get any men competent to the instruction, and when he told them that he could, and that there were many engaged in the work, he was sure they would be rejoiced. The principles and truths of economics were taught to the boys in his large school with the greatest success.

Dr. Hodgson said Mr. Noel had asked whether persons competent to the instruction of the science could be got. He had no hesitation in saying that there were such competent persons to be obtained, but it must be borne in mind that they did not grow like gooseberries. Something must be held out as an inducement to men to come forward and undertake the duty.

Mr. Pollard-Urquhart, M.P., said, the importance of the subject could not be over estimated. He had had a large amount of experience in Ireland, and he believed that a great deal of the poverty which existed amongst the lower classes, arose mainly from the want of a knowledge of the truths of economic science. Some years ago, in Ireland, extravagance was deemed a virtue, and economy a vice. That was owing to a want of the knowledge of economics. He believed that if the Irish gentry had possessed that knowledge, a better feeling and understanding would have existed between the Irish landlord and his tenant, and consequently much poverty, crime, and suffering would have been averted. He was quite certain that, until the truths of economic science were better known, the labouring classes would never be raised from their present position.

Mr. M'Clellan said, that the principles of economic science were taught in his school. The question had been mooted as to how the teaching was given. There was no difficulty, assisted by Mr. Ellis's book, in imparting a knowledge of the science to the schoolmaster, nor was there any difficulty in getting the children to learn the science. The teaching did good in several ways. The children discussed it among themselves, and also among their friends: thus by taking the knowledge home to their parents, they caused it to be widely spread, thereby doing a great deal of good to the whole community. There was no doubt that, before they could extend the teaching of economic science to the whole community, they must send the schoolmasters back to school themselves; but he never found any difficulty in teaching it to children from nine to fifteen years of age. It had been found that those who had gone out of the school imparted a knowledge of the science to their fellow-workmen. In his school they also taught the principles of physiology, showing the child the best mode of imparting health to himself and others.

Mr. Heywood said, in female training schools the science was taught, and no pupil could pass her examination without being certified as possessing a knowledge of the science. The question was, whether it ought not to be extended to the male teachers, and whether the Committee of Education of the Privy Council could not be induced to order, that the teaching of the truths of social economics should be added to the list of things already required to be taught.

Mr. Fitch said that the question was under the consideration of the Committee of Education.

THE TEACHING OF AGRICULTURE.

Mr. Fyfe read a paper "On the Teaching of Agriculture Scientifically in Common Schools," printed at p. 320.

DISCUSSION.

The Rev. Nash Stephenson said there was no doubt as to the importance of subject. If there had been a class left behind in education during the last ade, it was the farming class; the members of that class were the greatest onents to education. He did not think that the system, if introduced in the ools in the farming districts, would be successful, because the children did not

remain after the age of nine years; but, at the same time, he thought the system might be introduced into the middle schools with good results.

Mr. PAGET, M.P., said, he knew of no subject of such universal interest as that of farming and gardening, and he therefore thought it would be a very good thing if competent teachers could be found for this work.

Mr. HOYT (of America) thought that the teaching of agricultural science was highly important in making men good farmers, and thus giving them a social position which, without such culture, they would not possess. There had been great difficulty in the way of adopting the system in the State in which he lived, the chief one being that of obtaining persons competent to the teaching of agricultural science. In America there were normal boards at which teachers assembled to discuss modes of teaching, and it was proposed at those boards to give lectures on agricultural instruction, and also to establish a normal school for the carrying out of that instruction.

The Rev. H. FEARON felt most sanguine as to the great results that must accrue from the teaching of agriculture. He did not think that simple lectures would do much good to the boys; they must have excursions with the masters into the country, and be taught the application of chemistry to the science.

Mr. BUCKMASTER was of opinion that, by promoting agricultural instruction, they would supply one of the greatest wants in the education of the country. He spoke as the son of a farmer, and could appreciate the results that would arise from the instruction. At the late Sir Robert Peel's school at Tamworth, the science of agriculture was taught; but when that statesman died, a new master was put into the school, the instruction was dropped, and nothing was to be found now in the school but the machinery which was used in the teaching. What was required, was a few gentlemen like Mr. Paget in every town, to insist upon the system being carried out. With regard to the finding of persons competent to the instruction, his belief was, that if they were sought after, as they were by Mr. Paget, they would be found. The Earl of Harrowby had adopted the system in his schools; but from the apathy and ignorance of the very people his lordship sought to benefit by the mode of instruction, it fell to the ground. The fact was, in our schools now there was too much attention paid to classical instruction; the boys had plenty of Latin and Greek, but ninety-nine out of a hundred could not turn it to account when they left school. There should be a universal introduction of elementary science in the different schools, and the greatest want would be supplied in the education of the country.

The Rev. NASH STEPHENSON concluded by remarking, that the system was carried out by Lord Hatherton and Lord Lyttelton at their schools with success.

MISCELLANEOUS.

M. BARBIER, a French manufacturer, brought an interesting proposal before the Association, in a paper entitled "International Education," in which he remarked that the barriers which kept nations apart were successively falling away, but that one of the greatest yet remained, that of language. This obstacle, he thought, might be overcome, by establishing a great international college or school, having four establishments in Europe. This institution would have for its object, not only the instruction of children in four living languages, but would also realize some important improvements in education. M. Barbier dwelt mainly on the following points:—

1.—The organization of the colleges.

2.—The importance, in matters of education, of the teachers living with the pupils.

3.—The means of teaching living languages; practically first, theoretically.

4.—Some additional subjects of tuition.

ıary of the most perfect method and systems employed in each
ɾ. The teaching should be everywhere the same; so that
ı passing out of a given form in England, should find, in the
gher form in France or Italy, the continuation of the studies
begun by them. At the end of every year, there should be
ɔetition in every form between the four establishments. The
should last eight years; every year the children should be sent
ıe college to another, so that each pupil would spend two years
ı country. Each college should be capable of receiving 800
but M. Barbier proposed commencing on a smaller scale, as
ısy of accomplishment, and also to allow time for perfecting the
ation. M. Barbier has considered all the details of this plan,
willing to communicate his conclusions when required. As
d the second point, he dwelt very emphatically on the impor-
f securing able men, not only for instructing the pupils, but as
eachers who should live with them, especially in the hours of
on. Men of tried capacity, and of high moral character, should
red for this most important branch of education, who would
hemselves to understand the character of each pupil, and who
rule children, not by physical punishments or impositions, but
imands and encouragements, varying according to their different
ers; who should be for the children at once a strict and tender
and should inspire them with the conviction that he loves
neglecting no means of developing their sense of right and
so keen among children, and of bringing out in them self-
and the sense of their own dignity. These masters should
ı honourable position in the college, and receive handsome
ration, by which means suitable men of rare attainments might
red. M. Barbier thought this part of education was better
ood in England than on the continent, and much therefore on
ad would have to be borrowed from England. M. Barbier
tailed an ingenious plan for teaching the four languages, sur-

be aware of the political constitutions of different countries; that they should have learnt the history of the most important religions of the world, and should have been instructed in the general rules which govern trade; all these important subjects, which most men will not study, and consequently will not be acquainted with, require to be rendered familiar to young men, in order that they may know that society in which they are about to take their place, that they may understand its mechanism and the conditions of its working, and that their judgment, established on solid bases, may not be carried away by the sophisms of Utopian innovators. In conclusion, M. Barbier mentioned that he had placed at the disposal of the French committee of the International Exhibition a sum of 5000 francs, to be given in prizes for the best essays on the subject; and, as a proof that the idea of international education is already advancing to maturity in the public mind, he stated that the subject had been brought forward in France by M. Rendu, and that a commission has already reported on it.

Mr. J. G. Fitch described in detail the organization of the educational collection in the International Exhibition.

Mr. A. F. Mayo read a paper on "Public and Private Education," in which he remarked that, in private education, it was the individual working alone; whilst, in public education, the same mind was developed under the influence of the emulation of others. He thought that, under a healthy system, public education had the marked superiority "of introducing youth into something akin to the contentious emulation of maturity." Mr. Mayo also pointed out, that "public education gives what private cannot, a commanding insight into the rudimental conditions of the intellect and emotions. It restrains the strong, and it elevates and inspires the weak." At the same time there was a danger in public schools of neglecting the special attributes of individual youths.

M. Heinrich Hoffman read a paper on "Infant Training, after the System of F. Froebel, commonly called the Kindergarten." After insisting on the immense importance of very early training up to the seventh year, he said that he opposed large infant schools, as they required a closer connexion between children and adults than they can secure. The "Kindergarten" is a place where children may enjoy healthy and instructive play. "Playing is the child's duty." The games of the "Kindergarten" combine all the healthful elements of gymnastic exercises with the humanizing influence of appropriate songs. These games are so arranged as to teach the child by self-experience what is right and true with regard to number, weight, size, &c., of various materials; to develope an artistic sense, steady the hand, and generally to make the mind quick and thoughtful. M. Hoffman concluded by stating, that to woman belonged the important and ennobling work.

The Rev. C. Dasent read a paper on "Some of the Drawbacks to the Education of Boys in London." He gave reasons for thinking necessary to develope more the healthy spirit of self-government;

ıishment and support of girls' schools.
ıw proposed a scheme for the formation of Industrial
connexion with National and Parochial Schools. The
est-conducted girls to receive one shilling a-week from an
ıbscription fund, to remain at school and be trained to cut
ce articles of clothing. The fund might otherwise be em-
ablish an industrial department. Mrs. Shaw recommended
on of industrial homes in connexion with the National
ere the eldest and best-conducted children could be boarded
for a short period, in order to receive a thorough industrial

; gave an account of the Bradford Ragged School, esta-
856. The average attendance was 160 daily during the
At present it was 180. The year it was opened the public
Bradford showed 111 prisoners under fifteen years of age.
r had fallen to twenty-six in the past year.
JOHN CURWEN gave an account of the Tonic Sol Fa method
to sing. It was invented fifty years ago by Miss Glover of
leven years ago there were not fifty teachers of this method,
e than half a dozen publications; last year the publications
300, and the teachers more than 1000. Four hundred
vocal music had been held by the supporters of the system.
ınder it were more than 150,000, and there had been pur-
ng the past year 450,000 penny sheets of music. Mr.
nted out the moral and educational advantages of this
horough method of teaching to sing.

PUNISHMENT AND REFORMATION.

THE CONVICT SYSTEM.

The Convict System of England. *By* MAJOR-GENERAL SIR JOSHUA JEBB, K.C.B.

HAVING, in another paper, given some information on the subject of Prison Discipline, I would here submit a few explanations concerning Transportation, Penal Servitude, and the Convict system established in this country. In doing so, it would appear desirable distinctly to notice the measures which have been proposed for its improvement, and endeavour to obtain a clear view of their merits. This course will raise separate questions concerning an Intermediate system of discipline, the Supervision of the police over discharged prisoners, and other minor points, in which it is asserted, on the one hand, that the Convict system of England is deficient, and on the other, that their introduction would be prejudicial. These several points are also treated of in a separate paper.

On looking into the early history of transportation, we find that the practice of sending convicts out of the country, as a convenient way of getting rid of them, was resorted to so far back as the time of Elizabeth. Without going into all the particulars, one striking instance may be cited to show the difference between past and present times. At what was termed the Bloody Assizes of 1685, Judge Jeffries, of infamous memory, sentenced no less than 841 persons to transportation. Macaulay tells us, that "these men, more wretched than their associates who suffered death, were distributed into gangs, and bestowed on persons who enjoyed favour at court. The condition of the gift was, that they should be carried to the West Indies as slaves. It would have been happy for them if they had gone to New England or New Jersey, but this was expressly forbidden. It was estimated by Jeffries that on an average each of them, after all charges were paid, would be worth from £10 to £15. There was, therefore, much angry competition for grants among the sycophants of Whitehall." These unhappy wretches were embarked in small vessels, similar to slavers of the present day, and the dungeons in which they were confined during the passage are described by the same author as "being all darkness, stench, lamentation, disease, and

ome here present, ay, and close up to the present time,
equal intensity and far greater consequence have been
he herding together of criminals.
sufficient for our purpose to trace the rise and progress
tion in the Australian colonies up to its final develop-
present system of convict discipline. The name of
" will be as familiar to many as that of "Jack Ketch,"
hat place and the gallows most of the convicts in the
this century were disposed of in a manner which en-
ving no further trouble to the mother-country.
on after the discoveries of Captain Cook had laid open
olony, (which now bids fair to be a bright jewel in the
gland,) the transportation of offenders was regularly
d extensively acted upon up to 1840. Sir William
Committee of 1837-8, after a laborious investigation,
ir report by condemning the punishment of transpor-
ng unequal, without terrors to the criminal class, cor-
th convicts and colonists, and extravagant in point of
is committee recommended the institution of peni-
home and abroad in place of it. These resolutions,
the report of the Duke of Richmond's Committee in
year, produced a great influence on public opinion,
subject came seriously under the consideration of the
Lord John Russell, who was at that time Secretary
he Home Department, directed me (and it was one of
s) to consider the measures necessary for giving effect
mendations of the Committee. Large district prisons
of Pentonville were suggested for ordinary criminals,
incorrigible offenders an establishment of a more de-
cter, to be situated at Dartmoor, or on Lundy Island, in
Channel. Circumstances interfered with any further
en in the prosecution of these plans, and the subsequent
be sufficiently in the recollection of any who have given

2nd. Probation gangs in Van Diemen's Land as the second stage of the above, and the first stage for all other convicts.

3rd. Probation passes divided into three classes, conferring different degrees of privileges.

4th. Tickets of leave in the colony.

5th. Pardons conditional or absolute.

It will be observed that the whole system was one of progressive amelioration. The object was that "a course of meritorious or blameless conduct in any one stage should entitle the convict in any future stage of punishment to such relaxation of the severity of his condition as might be compatible with his continuance in it."

It is difficult to prove anything to be theoretically wrong that is practically right. The converse of this, however, may be said of the foregoing carefully devised system. Two adverse causes which rendered success doubtful, if not impossible, soon became apparent. The former plan of assignment had the effect of dispersing the men; the one which had been substituted for it had the effect of congregating them in masses. Vice was therefore rendered far more intense. This was the first effect. The second was, that the supply of convicts was greater than the demand by which their services could be absorbed. The consequence was that the intermediate stage of discipline in which a convict was to become a pass-holder could not be held out as a reward or referred to as a test of character. There were no employers, and instead of his being provided with everything in that stage, he would have starved, had not the Government undertaken to afford him subsistence and work. This necessary measure therefore created the twofold evil of striking at the very principle of the new plan of discipline, which was intended to hold out to the men the benefit of a gradually improving condition, and entailing on the mother-country an enormous expense. Before the middle of 1846, the accounts which had been received of the moral degradation of the convicts, crowded together in depôts, were of so alarming and deplorable a nature that some decisive steps were indispensable.

Mr. Gladstone, on the 7th of May, acting on a plan which had previously been suggested by Lord Stanley, gave instructions to the Governor of New South Wales for providing a new colony for convicts, and urged the importance of diverting as many as possible of the male convicts from Van Diemen's Land. Such were the circumstances when Lord Grey entered on the duties of Colonial Minister in 1846, with Sir George Grey as his colleague at the Home Office. The Parliamentary papers of the time will show the great attention bestowed on the subject, and the very important measures that were determined on.

Not only was transportation stopped for two years, but the conclusion was unavoidable that it could not, from circumstances be resumed on the former system. It was proposed instead, that all convicts should undergo, first, a limited period of separate confinement, the advantages of which, as a basis of discipline, h

been fully proved at Pentonville prison; secondly, that they should be sent to associated labour on public works in this country or at Gibraltar or Bermuda; and a third and most important stage in the system, that they should afterwards be removed to any colony disposed to receive them and capable of absorbing their labour. In such a colony the majority would receive a ticket of leave, under superintendence of the police, and have a fair prospect of maintaining themselves by honest industry, the remainder being dealt with under one or other of the intermediate stages established in Van Diemen's Land. In order to give full effect to the probationary periods at home, it was decided by Sir George Grey to form a convict establishment at Portland, as affording the best means of training the men to those habits of industry which would fit them for discharge either at home or abroad, and with a view to the systematic application of convict labour on national works. It was also determined that the hulks should be gradually but entirely abolished.

I have thus briefly traced the progress of transportation from 1788 to the commencement of the present system, which may be said to date from the opening of Portland prison in 1848, a period of sixty years.

With regard to the first stage of discipline in separate confinement, the question arose as to the limit in time to which it could be advantageously prolonged. As experience appeared to have indicated that separate confinement could not be generally carried out for periods exceeding twelve months, it will be apparent that some provision was required for the longer sentences. Hence arose the present combined system, applicable to all convicts, of a fixed period in separate confinement, followed by employment in association on public works, for a period proportioned to the term of the sentences. Fears were entertained by the more zealous advocates of separate confinement that the subsequent association would neutralize the great moral advantages that had been secured in the previous stage of discipline; others contended that if the character had been ameliorated under separate confinement, a well-regulated intercourse would afford a better opportunity of perfecting their training and preparing them to meet future temptations than a longer continuance of separation and absolute control. Whatever may have been the arguments by which the former proposition could have been supported, the latter course was adopted, due provision being made for enforcing the preliminary stage of twelve months' separation, without which all experience has shown that the discipline on public works could not have been successfully carried out. The annexed notice to prisoners contains the regulations. Briefly,—separate confinement for one year, public works at home for a period proportionate to the sentence, and thirdly, disposal with a ticket of leave in the colony. The restrictions of the later condition were fully explained to every prisoner as follows:—

"A convict shall not pass out of the custody of the Government in the colony until he shall be engaged, for at least a year, for service with private employer. If suitable service cannot be obtained, the convicts will be employed by Government, at wages, out of which they will receive clothing, &c."

"The ticket-of-leave holder is required to remain in a particular district, must be at his dwelling from ten o'clock at night till daybreak, must report himself periodically to the police officer of his district, &c."

I would call attention to this point, as it embodies that portion of the English system which, from circumstances, cannot be worked out here, but which has been partially and successfully introduced into Ireland.

These combined measures of home discipline and colonial disposal were directed to the complete solution of the convict question, and, in perusing the reports, there is sufficient evidence to show that the main objects were fully accomplished in a way to be beneficial to the mother country, the colony receiving the labour and the convict himself.

The first prisoners were embarked from Portland on the 27th of April, 1849, and Earl Grey, in a despatch dated the 22nd of October, 1849, acceded to the wishes of the colonists of Western Australia to receive a limited number of convicts.

Sir W. Denison, the Governor of Van Diemen's Land, on several occasions strongly represented the great advantages derived by the colony from the reception of convicts; and, on the moral effect, he observed, in a despatch dated 21st August, 1851, that, as compared with the continent of Australia, Van Diemen's Land occupied, relatively, a very high station.

The Governor of Western Australia, in a despatch to Earl Grey, dated the 5th of February, 1851, thus speaks of those who had arrived in the colony from Portland:—

"I am happy to state that the conduct of these men has been good, beyond my most sanguine expectations."

And in the July following he says:—

"Your Lordship will peruse, I feel assured, with much satisfaction, that part of the Comptroller-General's report alluding to the conduct of the men, not one complaint, not even the slightest breach of discipline, having occurred among them since their disembarkation. Can more be said of the best regulated crew of a man-of-war, or the most orderly regiment in the service?"

The Chaplain states:—

"I do, however, with gratitude to God, and with thankfulness to those whose ministerial care preceded mine, express the unlooked-for gratification afforded me by the high degree of scriptural knowledge and moral attainment of many of the convicts now forming our infant settlement."

It is not, under these circumstances, a matter of surprise that it was a heavy blow to a system bearing such fruits, when shortly

afterwards the colony of Van Diemen's Land refused any longer to be made the receptacle for the disposal of malefactors from the mother country, and we were suddenly left without adequate means of finding employment for discharged prisoners. It was at this period, as pointed out in all my former reports, that our difficulties really commenced. No means of disposal in this country can ever be found which will meet the conditions which commanded success in Van Diemen's Land. As already stated, the first prisoners were embarked from Portland prison in April, 1849, and it was only during the short period of three years and eight months the system was destined to be carried out in all its integrity, the last ship for the disposal of convicts in Van Diemen's Land having sailed in November, 1852. It will be in the recollection of all that the gravest apprehensions were created in the public mind by the bare prospect of a cessation of transportation, and the release of so many desperate characters at home. It was thought by some, that organized gangs of robbers would be found at the corners of all the streets; others, of more lively imagination, concluded that the majority were too crafty, and would establish themselves as schoolmasters in crime, sharing the profits without encountering the dangers of the profession. The "Fagans" of our social system! I, for one, did not share these fears, nor entertain these expectations, and the general result has, I think, proved that I was not far wrong. Making due allowance for the difficulties and dangers incidental to the disappointment which was the consequence of changes, imposing longer periods of imprisonment on some convicts, depriving others of all hopes of obtaining a remission, and the loss of any certain and satisfactory prospects for the future, the results have been very favourable, and have afforded further proof that the system of discipline is sound, and calculated to secure the main objects of penal administration.

The results of the discipline, so far as relapses are concerned, are given in detailed returns in my reports, from which it appears that of 10,507 male convicts released on licence in the 8¼ years, between October, 1853, and December, 1861, 8 per cent. only have had their licences revoked, and 10·7 per cent. have been again sentenced to penal servitude. Of these, 13·6 per cent. have been convicted of light offences and misdemeanours, and 5·1 per cent. only of more serious crimes. A strong proof of the effect of the discipline is afforded by the success of the Prisoners' Aid Society. Out of 189 cases from Millbank prison, and 574 from Chatham prison, entertained by that society, only a single licence has been revoked. To all this might be added a mass of most interesting and satisfactory testimony referring to individuals. No effort is made to obtain such evidence, nor would I adduce it in support of success, any more than I would admit exceptional cases of failure to prove the reverse. Any candid inquiry will show that the results are more favourable than could possibly have been anticipated. The more substantial fact, however, is, that since sentences of penal servitude at home were substituted

for transportation, either from the existence of a deterring influence, or, as we may hope, a reformatory effect, there has been a remarkable diminution in the number of convicts. For example, it appears that from 1840 to 1844, an average number of 3,608 were sentenced to transportation in each year, but that between 1855 and 1860, the average has been only 2,361; though, during the former period some 3,000 annually were disposed of by transportation; and, during the latter, 8 or 10 per cent. may have been re-convicted of those who would otherwise have been so got rid of. If this deduction were made, the numbers would be about 2,150 as compared with 3,608. The increase of crime from the instruction assumed to be given by released convicts does not appear to be borne out by the results. In 1848, those sentenced to imprisonment and transportation amounted to 22,426, and, in 1860, to 11,615. Within this period 16,096 convicts have been released at home! Where is the evidence of the prejudicial effect of the convict system? What have the schoolmasters in crime been about?

I do not pretend to attribute these very striking results to any one cause. They must be due to a demand for labour, good wages, and many others which elude investigation. But a candid inquirer might fairly admit that the deterring influence, as well as the reformatory effect of the present system of convict discipline, cannot fail to have had its share. It has been said that these returns are not reliable; that there being no supervision by the police, and no photography for identification, many men return to our prisons without being recognised. To the limited extent of perhaps 3 per cent. this may be so, but it does not affect the gross number or the general deductions that may be made. It is impossible, however, to obtain absolute accuracy; all I can say is, the returns are as full and explicit as the data at command will admit. There will be found the total number discharged on licence in each year from 1853 to 1861. Of each number, so released, there is a detailed statement of the number of licences revoked, and of fresh sentences passed in each subsequent year. As an example, take the year 1853. There were issued 331 licences; 1 was revoked in that year, 7 in 1854, 3 in 1855, 2 in 1856, 2 in 1857, making 15 in all, or 4·5 per cent. in 7½ years to the date of the return. The totals are already given. The characters of the offences are also minutely detailed, both for males and females. These returns are worked out with much care from the imperfect data which are assumed to exist, and within a small percentage they doubtless give the broad results. When there shall be an opportunity of comparing these returns with similar ones made out in the same form for Ireland, I do not doubt the result being more favourable than is generally supposed.

The outbreak which occurred among the convicts at Chatham, in February 1861, has been deemed to prove not only that the establishment was in a hopeless state of disorganization, but that others were no better. To any one practically acquainted with all the circumstances, the proofs are altogether in a contrary direction; whilst the

outbreak itself is easily accounted for by causes which are fully explained in the last report of the Directors, the real state of the discipline is to be judged by the subsequent conduct of the men. What this has been ever since will appear from the reports of the superior officers of that establishment.

Captain Powell, the Governor, in his report, dated 31st December last, says—

"Since the 16th of August, upwards of four months, no prisoner has been reported to or punished by the Visiting Director. Out of an entire population of 1,908 prisoners, during the year 1,395 were never punished at all, notwithstanding the outbreak."

Mr. Marsh, the Chaplain, alluding to the outbreak in February, states—

"From that hour to the present, the prisoners have seen the effects of discipline, not only in its immediate suppression of violence, but also in securing their own comfort and improvement."

And, speaking of the apparent effects of the discipline of the prison, he adds—

"The present peaceful and promising state of the large body of prisoners is a satisfactory and striking solution of the question involved in this head of inquiry. The results of an enlightened, unflinching, and mild administration of discipline could hardly be more apparent, especially as they have been realized under the most difficult and trying circumstances, arising from the effects of the disturbance in February last."

I can confirm this opinion from my own knowledge and the testimony of Captain Gambier, the Visiting Director, and confidently affirm, as expressed in our report for the year, that Chatham prison, at this moment, is second to none in the convict department, in the conduct, cleanliness, and industry of the prisoners. This being a fact easily verified by any one desirous of knowing the truth, representations to the contrary are the less pardonable.

So much for the home aspect of affairs. If, however, we want to see all that has been aimed at and accomplished, we must look to Van Diemen's Land and Western Australia, where the whole system has been, and is now to a certain extent, finally worked out. Its advantages are strikingly demonstrated in both those colonies, by results much more favourable than can possibly be secured under one penal system or means of disposal in this country or in Ireland. The explanations afforded will show that the system, in its complete form, was only in full operation for a very limited period, and none but those who have had to contend with the difficulties can properly appreciate what has been done in securing so large a measure of success where the most important link in the system was missing.

General principles and results having been briefly explained, it may be convenient, in entering upon the details of management, to notice the incentives to industry and good conduct on which the successful working of the system mainly depends. Were it not that

there are to be found advocates of a purely coercive discipline, I should scarcely deem it necessary to state that in any probationary system designed to have a favourable influence on character, the encouragement and reward of the well-conducted must be a prominent object. A convict, suffering under the sentence of the law, should neither be excluded from hope of amending his condition by blameless or meritorious behaviour, nor from the fear of enhancing the hardships of it by misconduct. On the contrary, to keep alive an invigorating hope and a salutary dread at every stage of the progress of the prisoner, from the commencement to the close of his punishment, appears to be an indispensable element of the discipline to which he should be subjected. Until the passing of the Act * of 1853 the main encouragement held out to the convicts under sentence of transportation, was that of rendering themselves eligible, by good conduct, for release from penal discipline and embarkation for the colonies, at an earlier period than, under ordinary circumstances, they would be entitled to; † in fact, they could be recommended for embarkation in less than half the period, viz., two years in a seven years' sentence, 2¾ in 10 years, and so on. The claims to this remission were carefully estimated from daily records of conduct and industry, kept by the subordinate officers.‡ The Governor and Chaplain were also required by the rules to record such particulars as would enable them to report with confidence on the merits of each individual prisoner.

Among the incentives to good conduct, the badges are of importance. They are worn on the arm of every prisoner, and are a standing record of his actual position with reference to character and his progress through the different stages. Captain Whitty, the Governor of Portland, observed of them, after some experience :—

"The system of wearing badges, by which the monthly progress of each convict towards the attainment of ticket-of-leave is publicly marked, works very satisfactorily, as is evinced by the anxiety of even the ill-conducted prisoners to regain a lost good-conduct mark, and the efforts to keep subsequently clear of the misconduct book."

Daily records are now kept by the warders in charge of parties, and, after passing through the hands of the principal warders of the districts, the chief warder and deputy-governor, are finally recorded in the Governor's books, by letters. The form is annexed; V.G. (the two letters with which we principally have to deal) mean very good. The rule, in every establishment, is "good conduct and industry," and V.G. appear on the badge of three-fourths or more of the prisoners, many of whom have been 30 or 40 months without a single report. In explanation of the importance attached by the men to this record, it is only necessary to state that any day on which a man obtains the letters V.G. for good conduct and industry, he has

* 16 & 17 Vict. c. 99.
† See Notices to Prisoners, 1848, 1853, and 1857.
‡ An extract from the Rules is annexed.

gained a certain number of hours towards obtaining his earlier liberty. If he be under sentence for three years he can obtain four hours each day, or one-sixth, the result being that he may be released six months before the termination of his sentence. If under sentence for longer periods he may gain six or eight hours in each day; different proportions from one-fifth to one-third of the sentence may be remitted, and so on, according to the terms of notice.

As a means of promoting good conduct, a system of classification was also introduced into the original discipline at Portland in 1848, and is still in full operation. It is stated in the rules that—

"The object of the classification is not only to encourage regularity of conduct and a submission to discipline in the prison, by the distinctions that are maintained in the different classes, but to produce in the minds of the prisoners a practical and habitual conviction of the effect which their own good conduct and industry will have on their welfare and future prospects."

Gratuities are credited to well-conducted convicts, as an encouragement during confinement and a provision on discharge. Good conduct and industry are separately considered. With a view to stimulate those who might be in the lower classes for conduct not to cease to be industrious, a plan has been adopted in the distribution of the gratuity which has worked well. The rules respecting it are as follow:—

For Good Conduct.

1st class, per week	6*d.*
2nd „ „	4*d.*
3rd „ „	Nil.

For Industry.

Very industrious, V.G. at work, per week . .	9*d.*
Industrious, G. „ „ . .	4*d.*
Not industrious „ „ . .	Nil.

A well-conducted convict, under a sentence of four years, can earn on an average 49*s.* annually, or £9 16*s.* 9*d.* in the whole, before release. The large sums sometimes credited belong to the exceptional cases of prisoners under life sentences, who have been at Bermuda. I would mention another arrangement, namely, the Special Service Class. In applying convict labour it is generally necessary to tell off the men in parties of not less than eight or ten, and place them in charge of one or more officers. It will be obvious that odd jobs and special works, requiring only two or three men, could not be advantageously executed by them, in consequence of the disproportionate expense of superintending their labour. At Dartmoor, Portland, and in all Public Works Prisons, this plan has been in operation many years with excellent effect; the only precaution necessary being that of employing the convicts, as much as possible, singly. Whenever a new establishment approaches comple-

tion, I invariably send a detachment of about one hundred men to assist. During the last two years a large party were employed at Woking, and at this moment there are one hundred completing the new Criminal Lunatic Asylum at Broadmoor. A chief warder, three warders, and a Scripture reader, have the entire management of them. Each party is superintended in a general manner so as to preserve order when at work, and they sleep in separate cells. There is no guard and no wall to prevent escapes; but they do not try, because it is their interest to remain and finish the few months they have to do. If a name were wanted for this detachment of special service men, it might be called an intermediate system on a most effective footing. I could enlarge on these little details, but it would lead me too far. What, however, I would wish to mention is, that though nothing can be more satisfactory than the conduct and industry of the men, as employed at Broadmoor, and though it is convenient to the service to diminish to a minimum the number of officers, yet the few months' employment, under diminished control, affords no real test of character. In the estimation of experienced officers liberty alone demonstrates the results of discipline.

I will now pass to the operation of the Acts of 1853 and 1857, by which penal servitude and release at home, or in any colony willing to receive convicts, was substituted for transportation. Pentonville and other prisons for confinement, and Portland, Portsmouth, &c. for associated labour, afforded at this period the means of carrying out for all convicts a carefully matured system of progressive reformatory discipline. These prisons combined everything that could be desired in point of construction, and the discipline of the first and second probationary periods has been successfully organised; but the third period, or means of disposal before alluded to, was wanting for all excepting for the few who were embarked for Western Australia.

The circumstances affecting the administration of convict discipline were, however, again most anxiously considered by the Secretary of State in 1853. Though power was taken in the Act to grant a remission, there was at that period a difficulty in acting upon it; the consequence was, that as hope diminished, a dogged and discontented submission to discipline arose among the convicts, very different from the cheerful and ready obedience of former times. Successive stages of discipline, each having some amelioration, were substituted for the remission of sentence, but these were insufficient to re-establish the good feeling which had prevailed; and until every man sentenced between 1853 and 1857 (altogether about 10,000) was disposed of, the state of the convict prisons was much less satisfactory than previously, or than it is at present.

A remission in a sentence was again introduced under the Act of 1857, and for a time we had the anomaly of convicts under different conditions working in the same gangs; some with remissions under the old Transportation Act; some without remis

sentenced between 1855 and 1857; and others with remission under the Act of 1857. It was this which led to the strike at Portland some years ago. The men had an assumed, I may say a real grievance, and having tried every kind of legitimate representation without success, were foolish enough to strike work. The disorder was, however, quelled without a blow being struck. This occurrence, as well as the outbreak at Chatham, is usually adduced as a proof that the convict system is on a wrong principle. The conduct of the men up to the time of the strike and since may be taken to prove the reverse.

Though no pains have been spared in the destruction, root and branch, of the old system in the hulks, and in perfecting every detail of that which has taken its place, and though the results have been encouraging, and I venture to hope satisfactory, yet, as already stated, when seen from different points of view, assumed defects may be observed, and improvements may suggest themselves to many, who, with but little practical acquaintance with the subject, take a deep and earnest interest in it. I am by no means insensible to the responsibility which has devolved upon me of organising the system, still less of maintaining the position which has been won, if it be a false one. No one can feel an equal interest in its success. All I can say is, that any suggestion whatever that has the test of experience, or the condition of practicability to ensure its success, will receive from me serious and frank consideration. The difficulty of combining conflicting objects and views in any system of management will, however, be understood if it be considered that some persons, in their secret hearts, consider the gallows the best solution of the convict question; that a large proportion of those who bestow a passing thought on the subject connect a sentence with chains, hard fare, hard labour, and the lash; and that others would recommend the very opposite extreme, and obliterate penal features altogether. The present system of discipline will be found, on investigation, to occupy a medium position, combining the requisite elements in a proportion based on experience; and there exists reason to believe that it has proved more conducive to the combined objects of repression and reformation than if any undue prominence were given either to the deterring or the reformatory element. The more it is sifted the more clearly will it appear that it is founded on broad and intelligible principles, on a clear perception by the Government and committees of Parliament of the objects to be attained, and that it has been worked out in a common sense and practical way, with a view to attain those objects; also, that the whole principle of the discipline is to lead and not to drive, to place a man's fate and condition mainly in his own hands, and to encourage and reward all efforts to do well; the foundation of the whole system being laid in moral and religious instruction, carefully imparted during the entire period of his confinement, without which success could not be expected. In regard to this system, I would mention that successive Secretaries of State for the Home and Colonial Departments, during

the last twenty years, have given the most anxious attention to the principles and details on which it has been conducted.

The management and discipline of convicts, however, has not only undergone the scrutiny of the Secretaries of State I have named, but has stood the test of repeated committees of the House of Commons. I would also mention, that in carrying out their views and instructions I have had the assistance of Captain O'Brien and Mr. Voules, and subsequently of Captain Whitty and Captain Gambier as Directors, and that we, as Directors, have had the zealous co-operation of Governors, Chaplains, and other most able officers at the different prisons, in giving effect to the details.

When so many officers are deeply interested in the success of their own individual labours, it may surely be inferred that the means of obtaining it are very generally admitted, and therefore that the whole system rests on an approved foundation; and that though nothing is easier than to find fault, greater difficulties will be encountered in providing a remedy. It is only, however, under a comprehensive view of the proposed objects, and by a patient and careful study of the measures through which they are sought to be attained, that the merits of the system can be appreciated. To be understood it must be seen in operation, and that not superficially, but closely inquired into, step by step. The nice adjustment of the elements of encouragement and repression, the precise objects aimed at, and the great success which has attended the working of the different plans, would then become apparent, and the whole would furnish much instructive evidence on convict discipline. Had this course been followed by any impartial person, I venture to hope that more justice would have been done to the system, as well as to the labours of all concerned in the originating and maturing it.

I shall now notice those measures which would, in my opinion, be desirable additions and improvements, and then separately advert to others which have been pressed upon public attention, but to the introduction of which there have appeared to be serious objections.

First.—Hitherto a licence has not been generally revoked, excepting a man has been actually convicted of some offence against the law. The conditions are as follows:—

1st. This licence is liable to be revoked in case of misconduct.

2nd. It may be revoked in the case of the holder of it being convicted of any new offence, unless the punishment for that offence extends beyond the term of his former sentence.

But it is not necessary that the holder should be convicted of any new offence.

If he associates with notoriously bad characters, and leads an idle and dissolute life, with no visible means of obtaining an honest livelihood, he will be liable to be re-committed to prison under his original sentence.

3rd. If his licence is revoked he may have to undergo the whole remaining portion of his original sentence.

on the notice of the police, by entering on a course of crime
e reported for doing so, the fact being properly established,
I think, be sufficient to warrant forfeiture of the licence, even
ı no conviction had taken place. It is, however, a difficult ques-
'om being opposed to the practice and to public opinion. It may
o show that grave objections must exist to an interference with
onditional liberty, when I say that out of upwards of 10,000
ers licensed during the last 8½ years, I cannot call to mind more
0 instances where it has been deemed advisable to exercise the
of revocation, unless a man had been fairly convicted of an
ı against the law. Succeeding Secretaries of State have re-
ly had the subject under consideration, and this has been the

:dly.—Up to this point we have been chiefly considering the
ts of the prisoners, in connexion with the public. It is, how-
necessary in certain exceptional cases to look solely to the
tion of the public. If, after a second probation, a man were
d at home, the active co-operation of the police, which, as a
l measure, I earnestly deprecate, might be fairly brought into
ion, and a sentence for a long term of years or for life might
the subsequent conviction of any man engaged in an habitual
of crime. These are points claiming serious consideration. I
lways felt that provision should be made for this extreme class
ishment. As far back as 1838, and in several subsequent
, a penal establishment in this country has been recommended
for the worst class of criminals, and for such as proved incor-
under ordinary discipline. The question of whether it should
ome or abroad is one of some difficulty. On the whole, as
r stated, I am in favour of having it at home, but chiefly
e of the greater security which would be afforded for proper
ntendence, and for the maintenance of a humane and moral
ine. Otherwise, a prison in some remote locality would appear

attended to, the loss of our means of disposal in the colonies would not be much more felt than it has already been, and the experience of the last ten years shows that it has not entailed such formidable evils as had been anticipated.

On the Operation in Ireland of the Penal Servitude Act of 1857, (20 & 21 *Vict., c.* 3,) *with some observations on objections formerly made to the "Irish Convict System." By* Sir Walter Crofton, C.B.*

It will, I think, be remembered that this statute was based upon the Resolutions of a Committee of the House of Commons, which, in 1856, inquired into the working of an Act passed in 1853 (16 & 17 Vict., c. 99). It will be recollected that there was what may be termed a "Ticket of Leave" panic during the years 1855 and 1856, which made it necessary that some investigation should take place into the operation of the Act of 1853, under which these "Tickets of Leave" were given; and also as to the expediency of not remitting terms of sentence. The committee, after receiving a vast amount of evidence, came to the conclusion that short and non-remissible sentences were undesirable. To quote briefly—They recommended lengthened sentences with power to shorten them through the good conduct of the convict. They considered that the "Ticket of Leave" system had been too short a period in operation to justify them in forming a distinct opinion with regard to it; but they point out a manner in which, if adopted, the "Ticket of Leave" should be carried out. They say "that the principle is wise and just, upon the express condition, however, that in case of subsequent misconduct the liability of the convict to punishment shall revive for the residue of the term specified in the original sentence."

The words of the 15th & 16th Resolutions are—

Res. 15th.—"That to render this system of tickets of leave

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* I have in this Paper purposely refrained from making any comments upon the "English Convict Discipline." Sir Joshua Jebb has had an arduous, and as I too well know, an anxious post to fill for many years. Considering the official position I have so recently occupied, it would, I think, not be for the public advantage that I should assail his administration of a very difficult department, and thereby increase the many troubles with which I feel sure he has to contend.

But at the same time, it is my bounden duty to clear the Irish Convict System from some objections, which, from time to time, during my direction, have been made to it, with, I regret to say, very little consideration for the labour and anxiety with which I was striving to overcome very serious obstacles in working out a grave and unsolved social problem.

I have also referred to the subject of supervising "conditionally liberated convicts," which is not a question of convict discipline but of "State Policy," and one which in a great measure will depend upon public opinion.

overnment of that day adopted in the Act of 1857, and the
is for carrying it out, an important principle recommended by
ittee, viz.:—Lengthened sentences with a power of remit-
ain proportionate periods, provided the conduct of the
stified such a course being taken. At that time the
ent went no further; but we learn from a report published
oshua Jebb, in January last, that the question arose sub-
, as to whether the release at these shorter periods should
r with a ticket of leave; the latter course was the one
y the Government, although Sir Joshua Jebb felt doubtful
icy. He gives an extract from his letter to the Home
ich states, "The balance of my opinion is in favour of a
mission of the original sentence, and the release of the
from any restriction."
ry thankful to the Home Secretary for having taken this
use I believe that the interests of the public will ultimately
r better protected.
Irish Convict System" has been so repeatedly explained
d scarcely state that for some time before the enactment
e principal recommendations of the committee had been
al operation in Ireland with regard to those under sentence
rtation. The conditions attached to licences had been
e most valuable, and their enforcement made practicable.
e had already tended to amend the criminal and to protect
. The adoption of the Resolutions of the Committee
erefore no change in Ireland; for—
had a "Mark System," which would tolerably well
e fitness of a convict for release at shorter periods through
ood Conduct."
had a more natural or intermediate stage, perfectly un-
with the prisons, which further tested the convict in a less
ate. and also materially conduced to open the labour market

"Liberty," we find that since the commencement of the discharges under this Act in 1859, up to January 1862, they amounted to 415. Only twenty-seven of these have returned to either convict or county prisons for criminal offences. Considering the appliances in force for bringing old offenders to the knowledge of the authorities in Ireland, this is a satisfactory result. But it would have been still more so, had sufficient time been allowed, by the length of sentences passed on "Habitual Criminals," to both increase the period of prison training and of conditional liberation.

Our experience under this Act is therefore :—

1st. That a very large proportion of the convicts make strenuous efforts to reach the intermediate prisons, and attain them.

2ndly. That they are placed in this more natural position at which they have arrived sooner or later, according to the attainment of their marks, with extremely good results both to themselves and the public.

3rdly. That they show by their subsequent conduct that they value the lessons which they have learned, and are making application of them in the fields of temptation.

I will give now a few general and brief statistics with regard to Irish convicts :—

(1) 5,300 convicts were transported from Ireland between 1849 and 1853. Since that period not one has compulsorily left her shores.

(2) In January, 1854, there were 4,878 Irish convicts, including those at Bermuda and Gibraltar subsequently discharged in Ireland through the convict prisons.

In January, 1862, there were only 1,314 in Ireland, and 14 in Bermuda. Total 1,328.

(3) That with regard to convicts discharged between January, 1856, and January, 1862, (4,643,) only 10 per cent. have returned to the Government prisons either by revocations of license for irregularities or in any other manner.

(4) During the year 1860, there were only 58 persons (formerly convicts) detained in the county prisons under short terms of imprisonment, and in the year 1861 only 60. Some of these offences in both years were "drunkenness," entailing twenty-four hours' imprisonment.

I leave my readers to judge the value of results obtained under a system which holds as its ruling principle that, both for the amendment of the criminal and the protection of the public, it is the duty of the State to make the vocation of crime as hazardous and as unprofitable as possible.

I now propose to briefly notice attempts which have been made from time to time to account for these results on every ground save that of an improved Prison System.

It was stated that in Ireland we had no "Criminal Class,"—that the convicts were either agrarian offenders, or those who had merely lapsed from innocence. This was one of many haphazard

statements, made I suppose in ignorance; but it was obviously calculated to materially affect the vital principles of the system. For the great problem to be solved was not to cure the merely lapsed offender, but to render the "habitual criminal" innoxious to the public. A mere reference to the reports of the Directors would have at once shown the fallacy of this assertion. I am glad to state that this point has been made clear to the many inquirers from this country into the working of the "Irish Convict System."

We were told that it was not practicable to individualize "male convicts;" that they must be treated in masses, and by the observance of routine duties. Facts in Ireland had however disproved this very dangerous fallacy—not at a time when the number of convicts was reduced, as it is at present, but when they numbered thousands, and when our very inexpensive accommodation made such a proceeding more difficult to carry out. We were then told, that the exhibition of convict labour under a modified form of restraint would, most especially in Ireland, be the means of filling our prisons. Has it done so?

Another objection arose.

Be it known that in our intermediate convict encampment at "Lusk," and formerly also at the Forts in Cork Harbour, the prisoners, to the extent of fifty, take their meals, read and sleep in each hut; a room being partitioned off for an officer. The convicts are in the precise position of soldiers in barrack-rooms, or of ordinary railway labourers employed in out-of-the-way localities on large works. It was asserted that this proceeding was a return to the hulk system—that it had been tried in an associated room at Portland prison and had failed—so bad was it, that the good men requested to be withdrawn from it.

Here was another case of an entire misapprehension of the ruling principles which govern the Irish system. We had to conciliate public opinion, not by words, but by deeds. We had to demonstrate that our prison training had so improved the convict that he might be offered employment without alarm. We did not wish to have to add—but you must keep him in a cage and hire a man to look after him, or he will assuredly relapse. We had also to show to the convicts themselves that our faith in their amendment was not a mere sham—that their exertions should receive our confidence. I cannot exaggerate the advantage of this settled conviction in the mind of the convict. We knew that in the world the convict would have to be employed and located as other ordinary labourers, and I would ask, if we felt that the worst consequences would ensue through placing these men together before liberation, how could we, —more than this, how dare we—find fault with the public for not offering them employment? The convict's training must be in accordance with public opinion, or his absorption into the community will be impossible. He will remain for ever one of a distinct class, to be shunned, but not to be assisted. The Portland failure was not to the point, for on the face of the statement it was not conducted

With regard to the second assumption: "That the prisoner having expiated his crime by the term of his detention, we have nothing more to do with him"—I reply, that as the term of detention is not necessarily the term of sentence given for the crime, but that a portion of that sentence is remitted conditionally that the convict behaves himself properly after liberation, we *have* something to do with him, and for the sake of the public are bound to prevent, as far as is possible, his doing mischief *within* the period of his sentence.

I have heard another objection made to the supervision of the convicts when conditionally liberated, viz., that the English police are not so well organized as the Irish constabulary, and that they would be likely to exercise their power oppressively to the criminal. I appeal to those conversant with the working of this Force, whether, as a general rule, both the material and organization would not be equal to the very simple duty we require from them. I beg to refer also to the very minute classification of the criminal, vagrant and other classes in all the counties in England, which for the last four years has been furnished by the police, and published annually in the volumes of Judicial Statistics. I feel satisfied that a reference to these volumes will make any further remark from me upon this point unnecessary.

I utterly repudiate the idea that the English police would be likely to abuse a duty and power which the Irish constabulary have been exercising for five years and a half with such credit to themselves and benefit to the public. I say that there is no authority for making such an assertion beyond the statements of the convicts themselves, who are, of course, strenuously opposed to any restriction being placed upon them. On the introduction of supervision in Ireland, I had manifold representations, on the part of the convicts, of the abuses which would ensue, but it was my duty to show them that if they proved to the police that they intended living honestly, they would assist them. What has been the result? Where are the abuses? Where now the complaints on the part of the convicts?

I beg also to call the attention of those who hesitate to entrust the police with the name and address of the convicted felon within the period of his sentence, that we are now entrusting to them the decision as to whether we starve or save the pauper in many places in England in which the police are assisting relieving officers.

I do not think it is well possible to exaggerate the importance of supervising the convict after his liberation; for if, on entering the prison, as in Ireland, he is properly instructed as to the course which will be pursued on his discharge, he will, from the difficulties with which the commission of crime will be surrounded, be more inclined to co-operate with those who are endeavouring to amend him. It is obvious also, that by making the punishment of crime more certain and by diminishing the possibilities of old offenders (through want of recognition) escaping with light sentences, we shall materially reduce the criminal class. I am entitled to speak strongly upon this subject, because I speak after many years' practical experience

e have for many years past been introducing measures calculated
duce our criminal population. The reformatory schools hold
r detention nearly 4,000 between the ages of sixteen and
ty-one, who are, at all events for the time, withdrawn from
nal pursuits. We have also the large number liberated, and
ope amended, by means of the training received in these esta-
ments. It may be reasonably assumed that in former days these
iles and adults, for very many of them have long since become
lts," would have helped to fill both Parkhurst and the other
ct prisons.

is notorious that the Criminal Justice Act of 1855, through
of evidence as to former convictions, and other reasons, dis-
of criminals who would otherwise be sent to the convict
ns. The increase of convictions under this Act and the decrease
g sentences are concurrent and most significant.

Joshua Jebb, in his recent memorandum (p. 22,) congratulates
the decrease of our convicts, and on our only having to submit
e re-conviction of 12 or 14 per cent. of them. I can
most distinctly on my own part that if Sir Joshua Jebb can
rt this statement clearly, and of course, to be of any value, it
ates that the public have only to submit to receive as criminals
r 14 per cent. of those who have been convicts, he will
ery far to satisfy me. But I demur to this statistic, and I
im that he can have no reliable data on which he can expect
come to such a conclusion. To give an instance of fallacies
h may be arrived at through the want of systematic informa-
it will be found on turning to Sir Joshua Jebb's Report for
, that the number of licences revoked of prisoners discharged
the hulks was not so great as from some of the improved
ns.* I assert that if we accept this kind of data we must
e at the conclusion that the "hulk training" was superior to
of the improved prison. I submit, therefore, that the time

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ura, was 321, and the number in 1852, the fourth year, it was a decrease of 182 persons: but between the sixth year, after the effect of the system began to be a decrease of only seven persons. The decrease more than twenty times greater before this after the "Irish system" was fully developed.

ssed, however, that the new discipline might have the result after convicts had passed two years under at liberty: the period of six years may then be di- equal periods, during the first of which the system duced no decrease in the number of convicts, and d of which its influence would have been felt, if it e at all. Now the returns for those six years show, first and the third year of the new system there was number sentenced to penal servitude of seventy-nine between the fourth and the sixth year there was a twenty-nine persons. The decrease, therefore, in r of convicts sentenced to penal servitude was greater during the first period of three years, in could have had no influence, than it was during s, after its influence was developed.

uals the reports of the Irish Directors, will perusing r in which they took effect, is the constant limit to the convict returns. But national objects call cts extending over a longer period of time, with- nce to the administration of a department by one

onvict returns are examined further, the start- ecovered that, between the first and last of the the introduction of the Irish system, the decrease need to penal servitude in Ireland, was 2,363 etween the first and sixth year under the Irish was only 211 prisoners. The argument in system which is under examination, is based that a decrease of convicts is a result, of which the cause, and this assumption is known, to tirely untrue. If it were true, however, the l furnish the most condemnatory evidence s, for they would prove it to be far inferior to it—the decrease of convicts under the old rteen times greater than under the new. in Ireland has been passed upon public e effect of convict discipline, that probably sed by some persons to constitute the bulk will perhaps raise some surprise, therefore, mber of convicts compared with the tremely insignificant.

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the public mind has been running to conclusions upon the matter of convict discipline in Ireland with a dangerous precipitancy. There is a strong conviction abroad that what is called the "Irish system" is producing results which are unprecedented.

The popularity of the "Irish system" rests, I believe, upon three grounds: 1st, upon the results alleged to have been produced by it in Ireland; 2ndly, upon a comparison of the results of that system in Ireland with the results of the English system in England, combined with the assumption that the Irish is an original system; 3rdly, upon some theoretical reasoning.

I propose to submit the grounds upon which the first, and the second, of these arguments appear to me to be founded upon fallacious data; and if this conclusion should be adopted, the third will hardly need discussion.

I. The result mainly relied on is, I believe, a great decrease of crime in Ireland since the introduction of this system. One fact constantly made prominent in the reports of the Irish Directors is, that the number of convicts in Ireland, in the year 1854, when the Board took office, was 3,933; and that it has gone on decreasing year by year, under the influence of their system, until on the 1st of January, 1861, it amounted to only 1,492. Another feature in the convict returns made equally prominent is, that the number of criminal offenders sentenced to penal servitude in Ireland has gone on decreasing in each year during the same period.

Now the decrease in the aggregate number of convicts in Ireland has been determined, from year to year, by the difference between the number discharged and the number convicted. But the new discipline has in no way caused a greater number to have been discharged than would have been discharged under any other system. This discipline, therefore, could have lessened the aggregate number of convicts under detention only by having lessened the number sentenced each year to penal servitude.

Now the time required for the development of the reformatory influence of this system, according to the repeated statements of the Irish Directors in their reports,* is at least three years; and another year must be added after the convicts have been set at liberty before the extent of reformation among them can be tested by the year's return of the number sentenced to penal servitude.

The Irish Board, then, took office on the 29th of November, 1854; their system, therefore, had been in operation, at the close of 1858, during a period of six years. The decrease of convicts therefore during the first four of those six years could not have been effect of the new discipline; and it could have been the cause of decrease only after the fourth year. Now the number of criminal offenders sentenced to penal servitude in Ireland in 1855, the

* There is a complaint made in the Report for 1859, pages 7, 8, and it is rated in the Report for 1860, page 9, that three years is too short a time for proper working of the "system."

ıh to affect the result after convicts had passed two years under
nd one year at liberty: the period of six years may then be di-
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1854, the year in which they took office, is the constant limit
heir references to the convict returns. But national objects call
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Now, when the convict returns are examined further, the start-
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inst the new system, for they would prove it to be far inferior to
t which preceded it—the decrease of convicts under the old

jury before a superior court of justice. A second return is of the number convicted summarily before magistrates in pettit sessions. A third return is of the number committed for drunkenness under a special Act of Parliament.* A very small number of the first class sentenced after trial by jury to penal servitude are the persons technically called "convicts."

Now the Irish returns show that from 1855 to 1860, the six years of what is called the "Irish system," the aggregate number of criminal offenders committed for trial by jury was 40,880; that the number convicted summarily was 135,761; that the number committed for drunkenness was 53,049; and, therefore, that the total number of the commitments was 229,690. But only 2,330 of these offenders were sentenced to penal servitude; and it was these 2,330 convicts only that came under the discipline of the "Irish system."

The returns of the convict department, taken by themselves, show to demonstration that the decrease of convicts since the introduction of the new system was only the continuation of a decrease which had set in six years before that was introduced, and had been fourteen times greater before that period than it has been since. But if the inquiry is extended over the whole of the criminal returns, then it will become not less plain to demonstration that the decrease of convicts in Ireland has been a part—and only a very small part—of a general decrease of crime in Ireland. The inquiry, as I have said already, ought also to extend over a longer period of time than the six years of the new discipline. I proceed, therefore, to submit to this Department the fluctuations of Irish crime generally, from the year 1845 to the year 1859, which embraces three quinquennial periods. And there is, perhaps, no passage in the history of crime which possesses so much interest for the statist as the criminal returns for Ireland during the fifteen years to which I am directing attention.

In the year 1845, the number committed for trial in Ireland was 16,696; it rose rapidly year by year for five years, and in 1849 it was 41,989; it then fell more rapidly than it had risen, and the decrease during the next five years, which preceded the new convict system, amounted to 30,201 persons; in the third period of five years, after the introduction of the new system, the decrease was only 5,923.

The returns of the other two classes of commitments exhibit similar fluctuations.

The number convicted summarily rose, between 1845 and 1852, from 17,512 to 72,019; from this year to the year preceding the "Irish system," there was a decrease of 34,061 persons; but in five years after that system had been in operation, the decrease was only 19,572 persons.

The number of persons committed for drunkenness continued nearly stationary during the first quinquennial period; during the second

* 6 & 7 Will. IV., cap. 38.

nitments, of 79,800 persons. At 1850 the tide of crime in nd began to turn ; and between the years at which each class at its height and the year before the introduction of the convict system there was a decrease of 74,282 prisoners : during the third period the decrease was only 28,294. There therefore, an aggregate decrease in the yearly commitments of 556 persons. But the only effect which the new system could bly have had upon this astonishing decrease of crime was, that ng the last two of these ten years, or during three at the most, percentage of the number reformed, among about 2,000 convicts harged, may have been rather higher than it would have been r some other system. It is scarcely less illogical, in the face of e returns, to assign the Irish convict system as the cause of the ease of Irish crime, than it would be to assign the system upon h the Right Hon. the Lord Mayor and the Aldermen of the City ondon perform their duties as conservators of the river Thames, e cause of the ebbing of the tides in the German Ocean.

decrease of crime, in fact, is mainly a negative result following crease in the force of the causes by which crime is produced.

he limits of time preclude my doing more than stating the conions to which observation has led me as to the main causes of crime, out my attempting to support those conclusions by the reasons on h they are founded.

distinction is to be observed between the causes which determine amount of habitual crime, and the causes of great fluctuations in number of criminals. The great producing cause of habitual inals is, I am persuaded, the criminal classes already existing. ne is reproductive. But changes in the social condition of a on, in the state of the labour market, and in the cost of the first essaries of life, are the causes which mainly determine the tuating number of those who live honestly if living honestly asy, or commit crime when they are exposed to severe tempta-

[illegible] have demoralized any people, and [illegible] there was no remunerative employment [illegible] the ordinary supply of food was [illegible] labour was at an end [illegible] the Inspector General of Irish [illegible] time for subsistence in a [illegible] as soon as they were discharged they [illegible] individual energy survived the [illegible] famine was followed by the [illegible] adverse influence was at work [illegible] crime, and to make it hopeless [illegible] committed it, to betake themselves [illegible] the reaction. Between 1845 and 1851 [illegible] estimated. The return from the [illegible] 1841, that is no reason to suppose [illegible] 1845; and in 1851 the [illegible] exodus had begun which [illegible] times. From 1845 to 1859 the [illegible] United Kingdom of 1,883,500 persons [illegible] which had been twice decimated [illegible] was more than decimated a third [illegible]—the return from the census of 1861 [illegible] with this great reduction of [illegible] £3,000,000 passed from the [illegible] as proprietary possessing [illegible] became plentiful, and wages [illegible] per cent.

[illegible] have conspired to lessen [illegible] the first time, and to make it [illegible] committed it to return [illegible] a fifth social revolution [illegible] during the same period, [illegible] a system of legal provision [illegible] in the returns of the Poor [illegible] the fluctuations of Irish pauperism [illegible] in Ireland in 1489; in 1[illegible]

[illegible] principles of science, that a comparison [illegible] effects of any hypothetical [illegible] other conditions are alike, [illegible] free which is the subject [illegible] that examples cannot be [illegible] that the effects of all other [illegible]

[illegible] Ireland there have been five different changes in the [illegible]

[illegible] 1847.

Report of Commissioners, &c., dated March 16th, 1861, page 70. In 184[illegible] was [illegible].

condition of the population; all of them most powerful moral forces, and in the nature of things, cognate to the result produced, which, when they are all taken together, are amply sufficient to account for the recent decrease of Irish crime; so that there is no remainder left of that negative quantity as the possible effect of what is called the "Irish system."

II. I come now to the comparison which has been pressed much upon public attention, between the results of convict discipline in Ireland, and the results of convict discipline in England.

Descriptions given by visitors of the internal condition of the convict prisons in Ireland, can hardly be received as evidence. Descriptions equally eulogistic have been given by other visitors, of what appeared to them the admirable condition of Portland, of Dartmoor, and of other convict prisons in England;* and the laws of evidence will not admit this kind of testimony on the one side and exclude it on the other.

Nor will this evidence have weight with those who are personally acquainted with prisoners. An intelligent visitor may observe, as he walks through a prison, whether the prisoners, whom he sees, look healthy; and whether the prisoners, when he sees them, answer to the discipline; but he cannot see the permanent effect the discipline is producing upon their characters. The internal condition of the convict prisons of England and of Ireland could be compared upon testimony only by an intricate and a protracted inquiry; and I am confident that practical men will concur in the opinion that it is an investigation which no one personally unacquainted with the matter is competent to undertake.

The official reports of the two departments hardly present data for an exact comparison. Both the English directors and the Irish report that their own prisons are working well. Some things have happened, however, which we in England do not consider to have been altogether satisfactory. But we are not equally well informed of all that goes on among Irish convicts; nor are we sure that the standard which satisfies public expectation in Ireland would be satisfactory to us in England.

The Irish Directors report that in 1856† "The conduct of the prisoners generally had considerably improved as compared with previous years; . . . that there had been some isolated instances of violent and revengeful assaults by convicts on prison officers and fellow-prisoners, only one of these assaults having terminated fatally for the officer assaulted!" They report again,‡ that they had collected at one prison "a number of badly conducted prisoners," and that "this class of convicts had been the cause of some trouble to the authorities, from their recklessness and unsubmissiveness to the

* So eminent a statesman as Earl Grey spoke in high terms of praise of what had been seen by him at Dartmoor.

† Report, &c., page 4, par. last, and page 5, par. 2.

‡ Ibid., page 5, par. 4.

discipline." Again, the directors report "satisfactorily on the state of one prison in 1857,"* and yet there had been removed to this prison during the year, "some very turbulent prisoners, amongst whom there were those whose revengeful and dangerous tempers prompted them to commit the most murderous assaults on the officers placed over them." When satisfaction is felt at the state of prisons where there is only a small number of murderous assaults, and only one has ended fatally for the officer, certainly the standard of the directors must have been very low.†

The criminal returns for the two countries are then the only data which can be employed for the comparison.

Now these returns show that there had been a decrease of crime taking place in England concurrently with the decrease in Ireland; not to the same extent, but still it was a substantial decrease. The number of the commitments in England and Wales, in the magical year 1854, was 127,371; it was only 116,282 in 1860, which was a decrease of 11,089 persons. And the decrease was much greater proportionably in the graver class of offences. In the number committed for trial by jury, there was a decrease of 13,076 persons, the summary convictions having also fallen from 71,193 to 70,151; the number sentenced to penal servitude decreased also from 2,418 to 2,219.

The number of licences revoked, and of convicts recommitted, is the only return against England. The Irish Board reports licences revoked in five years in a proportion "not amounting to 7 in 100."‡ The Chairman of the English Board has reported, in much greater detail, that in England licences have been revoked during eight years and a half, in the proportion, among male convicts, of 8 in 100, and among female convicts of 8·5 in 100. Again, the number of discharged convicts convicted of fresh offences, is reported in Ireland to be about 3 in 100, and in England to be about 10·7 in 100.

The attempt, however, has been made to disparage the value of the English returns, upon the ground that discharged convicts in England are not under police supervision, and that in Ireland they are strictly overlooked, and are recommitted for the slightest offence. Now the efficacy of police supervision to ensure a full return lasts only so long as the licence is in force. But the licence runs only during that remaining part of the sentence which is uncompleted when the convict is conditionally liberated; and the average length of time for which licences run is perhaps, in a great majority of cases, not more than nine months. When this short period is over, the Irish convict is as free as the English; and the whole effect of the enforcement of the conditions of the licence upon the returns is limited to these few months. In England, let it be observed, the arrangements under which gratuities are paid to discharged convicts upon

* Report, &c., for 1857, page 2.
† Three prisoners escaped from Lusk. (?) Report, 1862.
‡ Report for 1860, p. 9.

certificates of good conduct, after one or two consecutive intervals of three months, give a check upon the conduct of the convict hardly less effective than the reports of the police, and extending in most cases over periods only a few months shorter than the average nine months of police supervision in Ireland.

Moreover, it is not true, in point of fact, that discharged convicts are altogether left to themselves by the police in England. A very great majority of them go back to places from which they were sent, where they are well known to the police, and well looked after by them; and although the interference of the police cannot procure a licence to be revoked in England, without proof of some overt act, it sometimes does what is worse, it drives the convict to commit a fresh crime and to incur a fresh sentence, when he will again appear in the criminal returns, and raise the percentage of relapsed cases against the English system.

The Irish advocate in throwing discredit upon the English return of recommitments of convicts, commits a blunder. The rate of these recommitments, if their value had been accepted upon both sides, supplied an argument in favour of Ireland; but when the correctness of the return for England is questioned, the same question must be raised about the return for Ireland also.

Some convicts, there can be no doubt, are recommitted, in both countries, to prisons in which they are not recognised as discharged convicts. But there are no means of estimating the two unknown quantities. An English guess, and an Irish guess, cannot be accepted as data for scientific comparison.

There are grounds for what I say. The Irish Board reports that only 214 persons who had ever been convicts were convicted in 1862. But I am informed that it is stated upon good authority in Ireland, that in 1862, more than 300 reconvicted convicts were known to be in Irish prisons; this is nearly double the number reported to, and by, the Directors in 1861; and it more than doubles, therefore, their estimated proportion of reconvictions.

Again, the Directors of convict prisons in Ireland distinctly report, that a very large number of Irish convicts emigrate. The Board takes credit for promoting this emigration; and it well deserves the credit that it claims. But credit cannot be allowed for a very large emigration of convicts, and credit given at the same time for *the rate of the recommitments calculated on the whole number discharged.* The proportion required is between the number recommitted and the number of those who remain in Ireland; for there can obviously be no recommitments from those who emigrate. If half of the convicts emigrate (which, I am informed, is not improbable) then the estimated proportion of recommitments must be doubled, and becomes 20 per cent. And if the number of discharged convicts in the county and borough prisons of Ireland is very much greater than the number reported to the Directors, then the true proportion is also very much greater than 20 in 100.

And if the efficiency of police supervision in Ireland is what we are told that it is, the effect of it must be to drive away discharged convicts who are not reformed, to the country which is represented to be a thief's paradise of liberty from police control. This immigration to England again lessens the number remaining in Ireland, to which the proportion of relapsed convicts is to be calculated; or there must be added to the number of the relapsed, those who pursue a criminal career in England safe from supervision by the Irish police. Nothing, then, will be gained to the Irish cause if the returns are to be re-adjusted.

But, if there should be some slight excess in the number of convicts recommitted in England over the number in Ireland, of which, however, there is no proof whatever, still the whole series of facts which accounts for the recent fluctuations of crime in Ireland accounts also for these differences between crime in Ireland and crime in England. The population of England has not been three times decimated by a famine, a pestilence, and an exodus. The population of England is now more than 20,000,000; if it had decreased as the population in Ireland has decreased, it would have been little more than 10,000,000. Wages in England have not risen 100 or 200 per cent., as they have risen in many places in Ireland. On the contrary, the late Russian war first, and the influx of gold or bad seasons afterwards, have raised the prices of provisions in England, while, upon the whole, the rate of wages has not risen. The extended use of machinery, the marvellous concentration of capital in all the great fields of industry, and the growing pressure of competition, while they have increased enormously the aggregate wealth of the nation, have narrowed the accustomed outlets for labour more rapidly than the least intelligent of the population have been able to adjust themselves to the alteration in the labour market. And all those changes in the social condition of Ireland which have operated so powerfully to lessen the number of its criminals generally, have operated more powerfully to lessen the number of reconvicted offenders. The pressure which drives those who have been honest into committing their first crime, acts with double force to drive the discharged convict back to crime again. When labour is redundant, and work is hardly to be obtained, then the brand of felony will place the convict under an almost hopeless disadvantage; the check to his at once obtaining honest employment throws him back among old companions; and when the pressure is removed from the labour market, the change will tell most upon those who have been convicted already. The labour market in Ireland has, and in England has not, gone through such a revolution.

But in addition to the effects of the social crisis in Ireland, there are differences between its normal condition and the normal condition of England. I have stated that the great producing cause of a succession of habitual criminals is the criminal classes previously existing. Now towns of the first magnitude are the nurseries and the hiding-places of the criminal classes. The organization of the

thieves' quarters in these large towns is the growth of generations: their dense populations give shelter to the thief, and in the vastness of their commerce, dealing in stolen goods is comparatively safe. Now in England there are five towns which contain nearly one-fifth of the whole population of the kingdom; and there are two counties which contain more than one-fifth of the whole population. The census returns for 1861* made the population of England and Wales 20,061,504 persons: the two counties of Middlesex and Lancashire contained 4,634,515: and the five towns of London, Liverpool, Manchester, Birmingham, and Leeds contained 4,088,362 persons. The commitments to prison in the rest of England and Wales in the year 1860, were in the proportion of 4·2 in every thousand of the population; in the two counties of Middlesex and Lancashire they were in the proportion of 8·1 in one thousand. The number of indictable offences reported to the police in the rest of England were in the proportion of 1·7 in every thousand of the population; whereas in the five towns mentioned, they were in the proportion of 5·5 in a thousand. But in Ireland, with the exception of Dublin, there is no town with a population much exceeding 100,000. Moreover, while the Irish labourer has for generations been drawn to England by the prospect of higher wages, Irish convicts, unreformed, are certainly attracted by England's greater wealth. Irishmen of every grade and of every profession come over to pursue their calling in England, and the professional thief, true to the instincts of a common nature, will also follow upon the scent of English gold.

After all, however, that has been said and written about the different results of the "two systems," the system in the two countries is, indeed, both in theory and in design, identical.

The system in Ireland consists of: 1st, separate confinement; 2ndly, associated imprisonment, often upon public works; 3rdly, imprisonment with an amount of freedom bordering on liberty, called intermediate imprisonment; and 4thly, conditional liberty under police supervision. The English system, as it was originally designed, also consisted of: 1st, separate confinement; 2ndly, the public works; 3rdly, imprisonment, with a considerable amount of liberty, in the colonies; and 4thly, tickets-of-leave under police supervision, in the colonies. But when the cessation of transportation made it necessary to carry out the whole of the sentence in England, it was judged unsafe to allow the convicts in the third stage of their imprisonment so great an amount of liberty as would have been allowed to them in the colony; and it was also deemed impolitic to bring police supervision to bear upon them after their discharge in England with that stringency which had been found useful among a colonial and scattered population.

There can be no question, therefore, that the system introduced

* The numbers quoted are taken from the "Abstract" published in anticipation of the corrected returns.

into Ireland in 1854-5 was the English system, as it was at first designed. Indeed, the Irish Directors* admitted this fully in their report for 1854. They had endeavoured, they wrote, to "assimilate the treatment of the Irish convicts as far as possible to those of England;" † the rules for the government of all their prisons had been "framed on, and were in accordance with, those which had for some time past been advantageously in operation in England; altered, and extended, in some respects," to meet local circumstances, and changes in the law. And again, ‡ "It appears to us beyond any question that, by such measures as have been in operation for some years in England, and which are now being introduced into the convict service in this country, the following results are clearly to be attained," &c. And they go on: § "We believe these results to have been fully produced of late years in England, and we do not see that any greater difficulties are presented to their attainment in this country; on the contrary, *the character of the Irish convict is, in very many cases, less seriously depraved*, their crimes having been produced, in some measure, by extreme distress, and the want of industrial employment; there is, therefore, greater ground to hope for a speedy and complete reformation."

The rules for the Irish service are described by the Directors as providing "for a careful classification of the prisoners according to their general conduct and character, and their removal from one grade to another being made contingent on their conduct, general demeanour, industry, and the desire evinced by them to profit by the instructions offered, and to derive advantage from the efforts made for their moral and religious improvement." And these were the rules "framed on, and in accordance with, the English rules."

Ireland, however, with its rural and scattered population, and with its centralized police, resembles in its social condition more nearly than England the social condition of the colonies. Greater freedom in the third stage of the discipline, and more stringent police supervision in the fourth stage, for a portion of the convicts, are thought to be free there from those dangers which are apprehended from them in England.

The only question at issue, then, appears to be—Whether the third and fourth portions of the English system shall be carried into effect in England as they were designed to have been carried into effect in the colonies?

Now let it be admitted that the third or intermediate stage of discipline is expedient, when it can be had safely, which the English system recognised by its original design, and which I venture to think a great error, still there remain two questions of policy; 1st, Whether an amount of freedom can be allowed safely in England to convicted felons under sentence of penal servitude, greater than that which is now allowed to them at the public works? 2nd, Whether

* Report of Directors for 1854, page 6, par. 5.
† Ibid. page 10, par. 3. ‡ Ibid. page 19, par. 5. § Ibid. page 20, par. 1.

this further period of freedom ought to be allowed, in addition to the remission of sentence under a "licence"? And the decision of these questions must be confided largely to the Government and its officers, who are responsible to the nation for the administration of the law, and for the safe custody of those offenders.

It is strange, moreover, that the advocates of intermediate prisons for England do not perceive that the argument from the alleged failure of the English system proves nothing in their favour. Let English convicts be as bad as possible, the fact will only prove that the system of separate confinement followed by public works fails in England to reform them. But these two stages of the discipline in England and in Ireland, in all the broad outlines of system, are identical. The case, therefore, against the English system, if proved, would be failure in the first and second stage of it; and the comparison will then resolve itself into the single issue, whether Mountjoy and Spike Island are better managed than Pentonville and Portland. But the decision of this question can in no way prove the expediency of intermediate prisons.

The theory of an intermediate discipline requires, as an essential condition, that the convicts shall be generally reformed before they pass on to it. The worse then the English convicts are proved to be, the stronger the proof becomes that intermediate prisons are not fit for them. Let the partisan of the "Irish system" play what may be called the trump card in the Irish hand, the Chatham Mutiny. While he contends that the Chatham convicts were all exceeding bad, will he contend at the same time that it would have been a politic measure if these Chatham convicts had been quartered, under little or no restraint, in iron huts, in parties of 50 or 100, near the towns or the sequestered villages of England? *

Similarly in the matter of police supervision; let it be conceded that some oversight of convicts, after discharge, is desirable, still the question remains for decision, whether the general police in England is a force which can be safely entrusted with an office requiring great discretion, high integrity, and strictly uniform action? This is a question of policy; and the decision of it requires practical acquaintance with the working of the English police in its relations with the criminal population, such as those relations now are.

An English officer, personally and well acquainted with the Irish police, writes to me: "The police force in Ireland differ in many respects from our police. In England it is distinctly a detective force, while in Ireland the force is required more for the suppression of agrarian outrages, riots, &c. The Irish force is distributed about the country in parties of six or eight men only. . . . From the duties in which they are engaged they are necessarily more intelligent than the English police. They are employed to collect returns and

* The official report of what took place during the disturbance at Chatham shows that the extent to which the convicts were implicated has been greatly exaggerated.

report to the Board of Health and to the Poor Law Board; they make important returns to Government," &c. &c. And in a recent debate in the House of Commons, it was stated by an Irish member in his place, that the Irish constabulary was a force so superior to the duties of an ordinary police, that the men were altogether above looking after thieves. I have before me, at the same time, the opinion of an Irish officer of great experience in dealing with English criminals, that in England the absence of centralization in the government of the police, would leave discharged convicts, placed under supervision, too much at the mercy of individual policemen.

My own opinion will have no weight; but it may serve to show that two distinct questions are to be considered. I entirely concur in thinking that supervision over some classes of discharged convicts is most desirable, and I think that it ought to be extended to many discharged prisoners who have not been subjected to penal servitude, but constant and confidential intercourse with all classes of criminals, during eighteen years, leads me to the conclusion, that it would be impolitic to entrust the office to the general police force in England, though it might be advantageously entrusted to an agency in connexion with prisons.

But the attempt is made to establish a difference between the system in Ireland and the system in England during the first and the second stage of the discipline.

Great stress has been laid in the reports of the Irish Directors upon the system of marks, which are kept in Ireland for and against each convict, and upon the extent to which the duration of the sentence is affected by the balance of these marks. But whatever may be the merit of this system of marking, it is neither a distinctive nor an original feature in the Irish discipline. The rules relating to the records of each convict's conduct, and to the effect of those records upon the duration of the sentence, are described by the Directors in a passage already quoted from the report for 1854; and they acknowledged distinctly, in the same report, that these rules were "framed on and were in accordance with the English rules." The Irish Board, however, led on by theory, has been betrayed into multiplying these marks, so pregnant to thousands with liberty or with the loss of it, and marks are given by them, while in England they are not given, for progress and attention at school, and for religious improvement; but a difference of marks under these two additional heads does not constitute a different "system." Moreover, the increasing and the diminishing of the duration, or of the severity, of secondary punishment, according to a chaplain's opinion of a convict's religious condition, is a measure open to the gravest objections. And it appears to me a practical burlesque upon the administration of criminal justice to lengthen out, or to shorten, the punishment of penal servitude, according as the convict applies himself to master the multiplication table, takes pains in writing his copies, and minds his stops in reading.

Representations are made to induce a belief that the convicts in Ireland are dealt with individually, and that in England they are not dealt with in the same manner. But these representations betray entire ignorance of the working of the system in the English prisons. In England, records of conduct are kept for every convict with the same exactness, and with as much of individualization, as in Ireland; and upon this point there is no difference whatever. The number of convicts in Ireland is very much smaller than in England, and the staff of Directors and of superior officers is greater there than here; but this is a difference which has arisen entirely out of the different conditions of the two countries. Whether the practical advantages to be gained from increasing the staff of superior officers and the number of the Directors in England would be in proportion to the increased expenditure which such a measure would entail, is a question which may deserve consideration. But it is a question upon which I offer no opinion. The increased expenditure, however, would be very great, if the English standard is to be raised to the Irish level.* There will be required in England ten or fifteen more convict prisons, two or three times as many governors as at present, four or five times as many chaplains, and six or seven times as many Directors. The English Board now consists of a Chairman and two Directors, and entails a charge of about 5*s.* a year for each convict; the Irish Board has consisted of three Directors and one local Inspector, and has cost 45*s.* a year for each convict, and, so far as the criminal returns of the two countries are evidence, there is nothing to show any gain whatever from this disproportionate expenditure.†

The country, indeed, is asked to give credit to the Irish system for a reduction of £50,000 in the parliamentary vote for the current year, the reduction being calculated upon the vote six years ago.‡ This great reduction, however, upon the parliamentary estimate,§ is attributable, it is admitted, entirely to the diminution of convicts, by the expiration of sentences passed during the period of the famine. But it has been proved that the system of convict discipline has not been the cause of that diminution; and, therefore, the reduction of the convict estimates cannot be placed to its credit.

The true test of the effect which the new system has produced upon the cost of the service, is the difference which it has made in the yearly rate of outlay upon each convict.

Now £12 13*s.* 6*d.* was the estimated gross cost of each convict

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* The yearly cost of a convict in Ireland is less by about £3 than in England. But this difference is the effect of causes unconnected with the system of discipline.

† The Irish Board in its report for 1861, page 10, complained that, in consequence of the loss of a third Director, it had not been possible to attend to details so much as before; and that it was to be expected that the system would therefore suffer in its results.

‡ Eighth Report of Directors, for 1861, page 7, par. 8.

§ Ibid. page 8, par. 2.

in Ireland in 1853-4,* the year before the Directors took office; but in 1855-6, the year after they had taken office, it was £18 18*s.* 7*d*; and in 1862-3 it has risen to £32 14*s.* 10¾*d*,† which is an increase in the yearly cost of every convict of £20 1*s.* 4¾*d.*

Nor has this astonishing increase in the rate of expenditure been caused accidentally by salaries for superior officers being distributed over a smaller number of prisoners. For—1st, it is an indispensable requirement of the system that there shall be a staff of superior officers very much larger proportionally than is required under any other system; and 2ndly, the increase, under the head of salaries of superior officers, is only £2 17*s.* 4¾*d.*, out of £20 1*s.* 4¾*d.* The salaries of subordinate officers are certainly under control when a decrease of prisoners is permanent; but these, with allowances, were £3 8*s.* 8*d.* in 1853-4; in 1862-3 they are £7 11*s.* 8½*d.* The victualling of prisoners was £5 13*s.* 6*d.* in 1853-4; in 1862-3 it is £10 8*s.* 4½*d.* The case for the "Irish system" breaks down, therefore, as completely upon the ground of finance, as upon the ground of a decrease of crime.

It is impossible for me to attempt to discuss the theory of the "Irish system." I may, perhaps, state simply what it is, and how it would work if it were fully acted upon. The theory of the system may be denoted "The Reformatory Theory." It is based upon the legislative principle, that criminals ought to be imprisoned to be reformed. It asks for sentences long enough to reform them; it allows that they may be set free when they are reformed; and, in its full development, it asks that they may be kept until their reformation is effected. Acting upon this theory, the Irish directors call emphatically for longer sentences; and in their reports express their regret that, during recent years, sentences have become shorter, while they take credit, in the same reports, for the great decrease of convicts; thus conclusively refuting the theory they advocate by the fact which they record.

Of all the objections to this theory, that which appears to me the most fatal to it is, that the administration of criminal justice is transferred by it, practically, from the judges of the land to the officers of prisons. If the length of every sentence is to depend ultimately upon the judgment of these officers, then, so soon as the verdict is returned, the judge had better come down from the seat of justice, and let the governor and the chaplain take his place, and judge, in the case of each convicted offender, what length of time they will require for the development of their several specialities.

It has been with reluctance, and with some pain that I have prepared this paper. I have been long held back from making public my views upon what is called "the Irish system," by respect and personal regard for some, especially for one, of its most distin-

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* Comparative statements in appendix to Report for 1854, and for 1855.
† Miscellaneous Estimates. Report of number of convicts, 31st Dec. 1861.

guished supporters. But the matter has at length assumed so grave an aspect, that I have thought it would be culpable in me any longer to withhold what little it may be in my power to contribute for the information of this Association. I am not a partisan of the English system. But I could not on that account stand by silently, and see a great cause go to the country for decision upon a false issue.

On the Difference between the English and Irish Convict Systems. By the Rev. W. L. Clay.

Under the English system a convict costs rather more than £35; under the Irish, rather less than £25 a year. Yet I shall venture to maintain that the cheaper is the better system. Better in two respects. On the one hand, the moral machinery is itself simpler and sounder; on the other, the thorough working of the machinery is guaranteed by far better securities. Up to a certain point the two systems have an apparent resemblance. In both, separate confinement forms the first, and labour on public works the second stage. In both the prisoner rises through a scale of promotion, gaining little increments of indulgence as he ascends. But here even the seeming likeness ceases. In England, the second stage is protracted to the moment of liberation; in Ireland, it is shortened to give time for a final probation in the intermediate prison. In England, the prisoner on his release, though that release is conditional on his good behaviour, may wander off whither he will, unwatched and unrestrained; in Ireland, till his licence expires, he must live under the constant supervision of the police.

The intermediate prison, then, and the surveillance exercised over discharged prisoners, form the chief distinctive features of the Irish method; and the general public, ignorant of, and indifferent about, convict discipline, has imagined that otherwise the two systems are alike. Yet under external resemblance there lurk great differences, both of principle and practice, even in the first and second stages. I shall endeavour to demonstrate this, although in a recent official memorandum it is stated that "Mountjoy, as far as may be, is under the Pentonville rules; and that Spike Island, in like manner, is under the Portland rules, but, from defects of construction, they cannot be closely followed."

In the cellular prison there are two purposes to be accomplished. In the first place, an effort has to be made to convert—I use that noble word in the old-fashioned sense—to convert the prisoner. Rendered thoughtful, docile, and impressible by isolation, he is a most favourable subject for the chaplain's ministrations. The chaplain, while resisting the temptation to try to carry the convict's heart by a spiritual *coup de main*, should endeavour to use the peculiar susceptibility of his patient to the utmost; he should pour new thoughts and feelings into the heart which absorbs his teaching

as readily as the soft soil drinks in the summer rain. In fact, isolation gives the chaplain an impressible, teachable human being to deal with, instead of a stupid sensual animal; and if this rare opportunity is well used, the man will leave the cellular prison saturated with good principles and good intentions. It is obvious, however, that the success of the cellular prison, as regards the first purpose, depends almost entirely on the chaplain; and though I shall venture to contrast the English and Irish systems, I shall not be so presumptuous as even to hint a comparison between the English and Irish chaplains.

To rouse the prisoner to exertion is the other purpose to be accomplished in the first stage. All convict discipline should be based on the great fact in human nature, that moral amendment cannot be effected without a man's own strenuous exertions. How to compel the offender to make that exertion, and so co-operate in his own redemption, is the main problem in reformatory training. The most obvious plan is to place the delinquent in a painful and irksome position at first, and set him little by little to meliorate his condition. Yet here is a difficulty at once. Mere punishment, as a rule, hardens and exasperates, and yet we wish to soften and conciliate. The separate system, very punitive, and yet not irritating, solves this difficulty, but at the cost of almost forfeiting the paramount object. Instead of stimulating to exertion, isolation, if protracted long enough to be adequately penal and to give the chaplain a fair chance, renders the wits and the will alike limp and flabby. The tendency to this evil must be corrected. The easiest and coarsest corrective is high diet, and this expedient is partly relied on in England: but in Ireland moral antidotes are tried, and have proved so efficacious that it has been found possible to increase the austerity of the discipline. During the first few months, before the depressing influence is felt, in order to sharpen the discipline, the diet is kept most meagre, and no work is allowed but stupid oakum-picking. Pleasanter work and better food are not given till they are necessary to prevent ill health and mental stagnation. Of course this increase of penal power at the commencement strengthens the moral stimulus of the system. This stimulus, however, is chiefly gained by working on that love of freedom, which is by far the strongest motive that can be brought to bear on a convict. Compared with this, gratuities and indulgences count for nothing. Yet of this well-known fact no use is made at Pentonville. Nine months is the regulation allowance of separation, and nine months accordingly the culprit remains in his cell. Good conduct will not shorten nor bad conduct, unless very outrageous, protract his term. But Ireland the nine months may be shortened to eight, or extended ten or twelve, or even longer; and what is more, his term in the second stage may be lengthened too. And the convict is never suffered to forget the prospect before him: his hopes and fears are kept constantly on the alert. And now seven years' experience has shown that by such means his hearty co-operation can be won.

mind and body maintained in vigorous health. In England, however, there is but a very feeble substitute for these cogent incentives. The appeal to the convict's hopes is feeble, and to his fears feebler still. If he behaves well, at the end of six months he gets a badge and a visit from his friends, at the end of three more months he gets another badge and another visit. The badges entitle the wearer to certain gratuities, (4*d.*, 6*d.*, or 8*d.* a week, according to the quantity and quality of his work,) but as he will not finger the money for years to come, the stimulating power can be but small. If he behaves badly, the worst he has to fear (besides immediate temporary punishment) is, that on his removal to the public works, he will be placed in the second or third class, instead of the first: but this merely entails the loss of some gratuities and creature comforts; it would not add a single day to his imprisonment. We must spur on the prisoner with keener interests than these to counteract the sluggish depression of the separate system. It is easy to believe that a much higher diet is required at Pentonville than at Mountjoy.

In the second stage the want of moral power becomes still more evident. When the last Penal Servitude Act was passed, the remissible portions of the imprisonment were fixed at a much lower amount than what a committee of the House of Commons had recommended a year before. For instance, the committee would have given the convict the chance of redeeming three out of a seven years' sentence, the Act at the utmost would only forego a year and nine months. Stronger inducements than what the Act offers are required to rouse thoroughly the majority of felons from reckless despondency to earnest efforts. As it stands now, the English system is worked with too low a motive-power; and to secure passive submission, let alone active exertion, the deficiency must be eked out by other and lower incentives. In Ireland, however, the evil is more than corrected by the intermediate prison. To the seven years' man, Sir Walter Crofton offers quasi-freedom at the end of the fourth, provided his conduct from the first has been "unexceptionable," This supplies a motive-power strong enough to carry the convict through the stern discipline of the second stage. There is no need to propitiate the men into sulky quiescence by high rations and gratuities. This then is the chief flaw in the English second stage, that it is worked with too low a motive-power. But the flaw is made worse by the manner in which even that power is wasted.

The discipline of the second stage in Ireland is a version of the mark system. There are four classes,—the third, second, first, and advanced,—through which every man has to pass in succession, earning a prescribed number of marks in each, before he can reach the intermediate prison. Idleness or misconduct, however slight, will inevitably protract his servitude; for marks may not only be withheld, but also cancelled, and the convict thus degraded to a lower class than that to which he had climbed. It is quite possible, therefore, for an ill-conditioned felon to be still in one of the lowest

classes at the expiration of his full sentence. He would thus forfeit all remission. Marks are given on three grounds—for industry, good conduct, and progress in school. Industry (unless piece-work can be given) and conduct cannot be infallibly gauged: much depends on the integrity and judgment of the officers; and how these qualities are secured I shall notice presently. But with regard to education, in which, considering the close connexion between ignorance and crime, progress is so important, the reality of the progress can be, and regularly is, tested by examination. In spite of these obvious advantages, school-progress in the English system counts for nothing. That they form the ladder by which to reach the intermediate prison, and so win the coveted remission, is what gives the classes their chief importance. Their attractions, it is true, are usefully enhanced by a scale of gratuities and other devices; but the yearning for freedom is the one great means by which the convict is taught perseverance, industry, and self-control. In accordance with the fundamental principle, forfeiture of marks is the only punishment. It is only in cases where the system breaks down that the lash is used, but for the last two years it has never been required.

In the English second stage there are three classes. The men are classified according to their conduct; but there is no laborious climbing, as in Ireland, from the lower to the higher, for if he brings a good character from the cellular prison, the felon is placed in the first class at once. The first-class felons receive sixpence, the second-class, fourpence a week. This is the way in which good conduct is purchased. Industry is bought by badges. Once a month the industry books are made up, and badges marked with the letters G. (good,) or V.G. (very good,) are issued to the men, according to the reports. A G. is worth sixpence, a V.G., ninepence a week. But besides being paid for his good behaviour and industry, the convict is further paid for the length of time he has been in prison. The whole term of his detention is divided into three stages. In the first he gets no extra gratuity, in the second he has fourpence, in the third, eightpence a week, besides a fuller allowance of letters and visitors, and various additions to his creature comforts.

This, then, is the moral machinery of the English second stage. The hope of earlier liberty, which is the mainspring of the rival system, is scarcely used at all. In fact, the only use is this; instead of one punishment, loss of marks, there is an ample catalogue—degradation from class, loss of badge, the solitary cell, the lash, &c., and among the rest the forfeiture of certain days' remission. But the choice of this punishment is optional with the authorities; it is not, as in Ireland, the inevitable consequence of the slightest misconduct. In fact, the convict may be indolent and ill-behaved within moderate limits, and yet not retard his liberation by a single hour.

To clench my assertion that high rations and high gratuities are the two mainstays of the English system, I ask special attention to

the amount of each. In Ireland, the rations, which are never increased, consist of 6 articles, and amount to 18½lbs. of solid, and 12¼ pints of liquid food. In England they are twice increased, and from the first consist of 11 articles, and amount to 21¼lbs. of solid, and 14¾ pints of liquid food. In England, the V.G. first-class man, as he passes through the three stages, can earn in each respectively 1*s.* 3*d.*, 1*s.* 7*d.*, and 1*s.* 11*d.* a week. In passing through the four classes of the Irish system, the best men get successively 1*d.*, 2*d.*, 4*d.*, and 9*d.* a week, and then finally, for a short period, 2*s.* 6*d.* in the intermediate prison. The English sum total is nearly double the Irish. Unless they are wanted as a peace offering, I am at a loss to conceive why the English gratuities are so high to begin with. It is obvious that if they were intended as a spur to exertion they would be low at first and high at last. In Ireland, they rise from a penny to half-a-crown, in England from 1*s.* 3*d.* to 1*s.* 11*d.*

I must notice one other point of difference between the two systems. Though it is necessary to place the felon at first under rigid restraint, yet as active exertion and self-control, not passive submission, is the lesson to be taught, by degrees that restraint must be relaxed. If ever he is to "walk uprightly," you must gradually withdraw his moral go-cart. In Sir Walter Crofton's plan this object is never lost sight of. The convict's right to self-government is restored to him by degrees. When they reach the advanced class the men are separated from the other prisoners, and employed on special works, where, under comparatively slack supervision, and surrounded by many of the temptations of ordinary life, they find themselves with hardly a vestige of the moral go-cart left to lean on. In the intermediate prison, even the last slight props are as far as possible withdrawn, and the convict, to use Captain Maconochie's phrase, is left "to stand on his own legs." In the English second stage, there are certain "special classes" which resemble the Irish "advanced class;" but these are an anomalous excrescence on, not an integral part of, the system. They only number a few dozen men, who are chosen on their own judgment by the authorities. As a rule, the convict remains under the same restraint from first to last. As he rises from stage to stage, he may have more letters, more visitors, more sixpences, more food, but not the one thing most needful at once to promote and to test his reformation—more liberty.

But I must now pass on to consider the second point, Whether the thorough working of the system, be it good or bad, is guaranteed by sufficient securities?

Where everything depends on the convict being compelled to make a strenuous and long-sustained effort for his own redemption, it is palpably of vital importance that the rewards by which he is induced to make that effort should never be obtained undeservedly by the laxity and connivance of the officers. Where such laxity and connivance exist, a system, the most perfect in theory, would become in practice a worthless sham. Yet I maintain, that for two

reasons it is impossible to guard against these evils in the English prisons.

The first reason is this. In the Irish prisons, where the governor has only a few men to deal with, he knows them all; he can maintain over the officers a discipline as strict as over the convicts, and thus repress laxity and partiality; and consequently he can thoroughly maintain the principle on which the whole discipline rests—that not a convict should ever earn a single penny, or abbreviate his confinement one single day, unless by real exertion and by positive merit. The various officers, too, are a check on each other, and as their interests are all engaged in the success of the system, they would soon thwart any of their number who was disposed to play false to the common cause. But in England all this is different. A thousand is the population of the smaller, fifteen hundred of the large prisons. The governor, therefore, has to trust almost entirely to the warders; with many of the prisoners he hardly ever speaks from the time they enter to the time they leave the prison. The convict's advance depends almost solely on the warder's report of his conduct and industry. If misconduct is not distinctly reported, good conduct is taken for granted; no black marks appear against the felon in the prison books, and he is duly rewarded. Nor is there the least necessity for his industry being of better quality than his goodness. If he gets his V.G. from the officer in charge of his working-party it is quite sufficient. The difficulty of finding piece-work for the men generally renders exact measurement of their labour impossible, the officer must rely on his judgment. But he has good reason for making the best of his felons, for on their diligence partly depend his own gratuities. The intention of this rule was to give him an interest in their industry, the result is to tempt him to report well of them however idle they may be. Any display of over-zeal would not promote his popularity among his brother officers, and the convicts know how to manage an obnoxious superintendent. His easiest plan is to dispense V.G.'s with a liberal hand, and to keep everybody in a good humour.

I fear that to insure the proper working even of the present system, our four huge prisons at Chatham, Portsmouth, Portland, and Dartmoor must be broken up into smaller ones. But this amendment will be quite insufficient unless supplemented by another.

Any department of State will soon sink into routine and inefficiency unless the work done has to undergo the ordeal of public opinion. The convict service will never be worked properly, however able and energetic may be the gentlemen at the head of it, the public is supplied with full data on which to judge of its m and the credit of the whole staff is consequently staked on its su In Ireland, by placing the convicts under strict surveillan the expiry of their licences, and by a scheme for their identi should they relapse afterwards, Sir Walter Crofton has been tell the public the whole truth about his success. He cour ordeal for the sake of strengthening his system. That ordeal

its efficiency, and with such a security I believe it will survive, what otherwise might have been a fatal blow, his own resignation. In England, where there is no police supervision and no scheme for identification; where the prisoner, when he has drawn the last instalment of his gratuity, is wilfully lost sight of; where all the relapses recorded are discovered by chance, the public is left almost totally in the dark as to the system's value. All that they know at present is, that connoisseurs in prison discipline are thoroughly dissatisfied, that terrible riots occasionally occur in the prisons, and that the number of relapses accidentally discovered are more than 20 per cent., while under the rival system the severest inquisition can only rake up cases to reach 10 per cent.

If I may venture to speak on behalf of the critics of the English system, I would say,—Laugh at our criticisms, let the cellular discipline remain as sluggish as you please, scout the mark system in the second stage and trust instead to high gratuities and plentiful rations, repudiate the intermediate prison as a superfluous fancy,—do all this and let the results of your system be accurately ascertained by some such means as are employed in Ireland, and we will rest content. Either our strictures will be proved to be baseless calumnies, and then we must hereafter for ever hold our peace, or else, as we fully anticipate, when the relapses are shown to be, not 20, but 30—40—perhaps 50 per cent., there will rise such an outcry that every reform for which we plead will speedily be granted.

And on what ground is police supervision refused? There may be, and probably are, other reasons, but I am only bound to notice the excuse which is alleged. It is said that, "close supervision would be very hard on the convict and very detrimental to society; for, branded as a criminal and so deprived of employment, the poor wretch would be driven to join the desperate and dangerous class already formed by his old prison-fellows in a similar predicament."

The answer is complete. To assume that the ex-convict, if his antecedents were known, would never find work, that his only chance is to obtain employment under false pretences, is simply begging the question in defiance of facts. In 1854, when the country was angry at the enforced cessation of transportation, and in a panic about ticket-of-leave men, there were many who almost despaired of ever seeing discharged convicts absorbed into the home labour-market. The public is still rather ignorant, stupid and uncharitable about liberates, but still there has been since then a great improvement in the general feeling. In Ireland, where great pains have been taken, chiefly by means of the intermediate prisons, to win the confidence and charity of employers, the difficulty has been completely overcome. It is absurd to pronounce that difficulty insuperable in England till the same means have been fairly tried. Already there is abundant English experience to support the Irish. There is the same prejudice against the liberates from common gaols as there is against those from convict prisons, and yet it has been proved in many towns, and notably in Birmingham by Mr. Burt'

that with a fair recommendation, a quondam prisoner, in his true character as an "honest thief," can readily obtain work. And the very society for the assistance of liberates, which is affiliated to the English system, finds masters for the great majority of its clients, though it never sends them out "with a lie," or at any rate a *suppressio veri*, "in their right hand."

These facts are a complete answer to the plea that police supervision, by branding men as criminals, cruelly robs them of the means of livelihood. But we go further and maintain that in mercy to the old offender we are bound to watch him, in order to render his return to crime as difficult and perilous as possible. It is one element of strength in the Irish system that the convict, carefully taught to expect almost infallible punishment if he relapses, soon turns his mind to honest projects. It is one element of weakness in the English system that the convict can look forward to a new course of felony, highly lucrative, and not by any means over hazardous.

And by showing that supervision is no real hardship to the quondam thief we incidentally prove that it will never become a detriment to the public. Whether the public will not suffer severely under the present *régime*, it is for our opponents to demonstrate. Transportation no longer carries off our felons, who are turned adrift at the rate of about two thousand a year. We believe that a great number of them at once re-enter the ranks of the criminal class. Eight years ago a senseless clamour was raised "that Government was designedly letting loose hundreds of hardened criminals on the country." There will be a flavour of truth in the cry when next it is raised again.

Explanations showing the Difficulties which would attend the Introduction into England of the Probationary Stages of Discipline and Supervision of the Police, &c., which have been adopted in Ireland. By MAJOR-GENERAL SIR JOSHUA JEBB, K.C.B.

IN submitting to the Department some observations on the vital questions of an intermediate stage of discipline, tests of character, and the supervision of the police over discharged convicts, &c., I am painfully sensible of the very unfavourable conditions under which I perform the task. These questions have been already brought to the notice of the National Association, and advocated with the advantages that the most brilliant eloquence, and the highest social and official dignity could bestow. Intimately connected they are with what is termed the "Irish System," they have been ably advocated in Parliament, as well as by the fourth estate of the realm, the press. The public having been greatly influenced in their favour, may naturally inquire how it happens that such improvements have not been eagerly adopted by the Government

engrafted on the English system? My feeling, from first to last, has been, that there are grave objections to any officer charged by the Secretary of State with the duty of conducting a public department on principles laid down for his guidance, entering into any discussion of them, otherwise than through the proper official course of a report to the authority to whom he is responsible. This may have been a mistaken view or a false delicacy on my part. Be that as it may, the consequence has been, that only one side of the question has been fairly before the public, and the English system, and its principles and real success, have been effectually concealed in distant establishments, which are never visited, and in the recesses of Blue-books which are never read.

From a concurrence of circumstances it has now almost become a duty to throw off official reserve, and endeavour to remove the extraordinary misapprehensions which exist on the subject. This is the more necessary, since the gratuitous assumption, that the discipline on which so much care has been bestowed is conducted on erroneous principles and has been a "failure," has cruelly added to the difficulties of discharged prisoners in their struggle to obtain employment.

The least investigation will show that the two systems are identical, but that some of the Colonial stages of the English system are worked out in Ireland. I have to show why they cannot, from circumstances, be so fully developed in this country.

First, as regards the Intermediate System.

The term "Penal Servitude" was adopted advisedly, in order to describe the condition of a prisoner, who, during a great proportion of his sentence, would be working freely in association, and, perhaps, miles away from the place of his confinement. Speaking generally, I would state my opinion, that, as now established at Portland and Chatham, (and more especially at Fulham for females,) it is as much of a system intermediate between imprisonment and release on license as is necessary for promoting the best interests of all concerned. One step further in the way of relaxation, and the interests of public justice would be sacrificed without any corresponding advantage. During the whole progress of a prisoner, from the day he enters into the custody of the Government, we find moral and religious instruction carefully imparted, obedience required, and habits of industry encouraged. During the latter progressive stages, we find his own individual forbearance and self-reliance in ceaseless operation. The men work together exactly in the same manner as free labourers or artificers, and there exist far better means for the officers in charge of parties becoming acquainted with, and having influence over their men, than a stranger would have into whose care they might be committed a few months before their discharge. Prisoners under such circumstances are usually in a state of excitement, and if to this be added relaxation of discipline and unusual stimulants, the greater will be the effort on the part of the prisoner to carry his point, and the greater the liability of the officer to be

deceived by appearances. Extraordinary inducements, during short periods, afford but little means of training; and the assumption that the worst of English convicts would be likely to betray their real character under relaxed discipline, is altogether a fallacy. They would be all the more cautious. Baron Holtzendorff, to whose admirable paper of last year I would desire to bear testimony, reiterates the penal axiom, that one of the objects of a successful administration of criminal justice is that of keeping up the deterrent character of the discipline. "Prison life," says he, "must appear deterrent to all living in honest industry, though it may appear a boon to the discharged convict." This is thoroughly sound; but if punishment is to be exemplary as a means for the prevention of crime, relaxations bordering on freedom, when applied to the highest of our secondary punishments, cannot be safely exhibited all over the country, even if it could be proved that such measures would promote the interests of the criminal or the public, both which results there is great reason to doubt.

An American writer of great experience in the management of prisoners, gives the following opinion on the subject of relaxation of discipline. He says, "Among a congregated mass of convicts, I have never known any prison in which discipline is much dispensed with which has not fallen into confusion, and in which it could be found that the good of the convicts has eventually, either morally or physically, been benefited. I respect the feeling which has prompted the wish to dispense with the appearance of restraint, but, after four years' close inspection, I am obliged to allow that greater restraints are necessary than our wishes would determine. Steady, firm, and kind government of prisoners is the truest humanity and the best exercise of duty. All my experience confirms this view."

In a short notice of this subject I will not enter further into the arguments which may be advanced to demonstrate the accuracy of this conclusion, but trust enough has been said to show that further relaxations would be as inexpedient on general considerations, as they will be shown to be unnecessary as a means of training, or a test of character.

Among other assumed improvements in discipline, it has been advocated that temptations should be placed before prisoners, in order to the cultivation and exercise of forbearance, and to afford a test of character.

When we consider the first steps in the downward course of most of our convicts, and how the pace in headlong ruin has been accelerated by the fascinations of women, the attractions of drink, and the excitement connected with the life of a thief, we shall be able to judge whether there is any kind or description of indulgence compatible with a state of imprisonment, which can be placed before a prisoner so as to be effective as a means of training. Theoretically, the placing of temptations before men has all the appearance of being quite right, but practically it is quite wrong, except

in a very general sense, because in little things it would defeat the object by engendering a habit of deception. Convicts as a class are very sharp-sighted, and in their treatment there should be no departure whatever from a simple appeal to the common-sense motives which influence all other human beings. They have only to find out the weak side of the authorities, and how they can best gain their good opinion, and they will know very well how to make use of it for their own purposes. The following opinion of an experienced officer, gives a homely but forcible illustration of it: "One man," he said, "well aware of the drift of the question, might be asked, whether he would prefer to have 6*d.* a week laid by for him, or spent on some present indulgence. He might say, 'Oh! lay it by for me, that I may help to support an aged mother when I go out.' Another, little knowing that his answer might affect his prospects for life, might say, 'Let me have sixpennyworth of tobacco, or a pot of stout; whichever the Governor likes.'" The last man would probably be the honester of the two.

The same argument might apparently be urged in regard to industry, obedience to rules, and other acts in which a very indifferent character may persevere; but during long periods of confinement these acts of perseverance insensibly grow into habits, and habits are not so easily shaken off. The persevering struggle of all previous years to obtain the different stages which lead to the dearly coveted but far distant prize of a remission, operates as a wholesome hourly stimulus to the exercise of forbearance and a looking for better things. Experience has fully shown the results under the only test on which reliance can be placed, namely, perfect freedom.

In England, freedom is attained, stage by stage, up to the ticket-of-leave;—the second and third periods of the original system being worked out at Portland and on public works, instead of being divided, as in the Colony, and as they are exhibited in Ireland.

But when transferred to the Colonies, the first probation was, and still is, the intermediate stage of the probation gangs.

The stations in Western Australia are thus described by Mr. Irwin, the Religious Instructor, in his Report, dated 27th May, 1861. "Being desirous of seeing how the men who had come out under our charge in the *Palmerston* were disposed, I visited, in company with the surgeon-superintendent, four of the out-stations. . . . The parties consisted of from 40 to 80 men, lodged in huts—they were in charge of a warder, and, in most places, there was one of the Royal Engineers to direct the works . . .

"I cannot but say I felt anxious for the welfare of the prisoners, who, during their detention in these huts, would be exposed to great demoralization. It is obvious that the sooner the men who go out in a convict ship can be separated after they are disembarked, the better for them in every way."

It is most devoutly to be wished that no such stage as that of a probation gang should exist. All the evils in Van Diemen's Land resulted from its being necessary to adopt this arrangement. It was,

however, again sanctioned by Earl Grey, in 1849, for Western Australia, as a means of executing roads, but is only now persevered in from the colonists representing the necessity of the men, after landing, being employed for some months under the Government, in order to accustom them to colonial life. Any amount of demoralization, may, however, be neutralized, so far as the public is concerned, by placing the released convicts where there is little opportunity or temptation to commit crime, where wide dispersion and employment are secured, and where a centralized police can exercise control. These conditions exist in the Colonies and in Ireland, but a little consideration will show that they do not exist in England.

If observation and experience would justify the belief or the hope that an intermediate system were adapted for the training of English convicts, I should deserve far more blame than is apparent for neglecting it. At Dartmoor the convicts have already converted a "howling wilderness" into one of the finest and most productive farms in Devonshire, and hundreds of men are, at this moment, employed in cutting turf two miles from the prison. I have only to encamp them there, withdraw half the officers necessary for due control, and this would be the basis of an intermediate system, to which system a high gratuity, or any particulars of the routine at Lusk might be added. Even greater facilities exist at Portland. It only requires the order, that instead of returning to the prison in time for evening prayers and to occupy their small separate cells for the night, they shall get their suppers and sleep in close association in the huts—allowing all but two or three officers to go home. This, again, would be the basis of an intermediate system. What would be the consequence? If reiterated experience be of any value, no matter what might be the routine, a loss of some of the good effects previously gained would be the inevitable result.

The probation pass or conditional ticket-of-leave of the English system in the colonies, is a real test of character, and the best means of training, and eagerly would I avail myself of any such stage, if it could be established in this country. But look to the necessary conditions. There must exist either so great a demand for labour, or so great a supply of benevolence, that employers will employ, and workmen will work, with a discharged convict. These conditions may live in the imagination of some, but the reality that they do not generally exist, needs no proof.

In referring to an intermediate system, followed by police supervision on discharge, I shall show the two leading points in which the practice in Irish prisons is assimilated to the colonial stage of the English system. There are, however, several minor points which have been advocated as important principles and necessary improvements.

The first I would refer to is the principle of "Individualization" on which, it is said, so much of the success in Ireland depends.

1. The term itself is of too general a signification to be bro

within the trammels of a rule. If, however, the required duties were committed to paper—if it were stated from whom they were expected, and to what extent they were to be performed, I do not doubt that the same principle would be recognised in full operation in the convict prisons of this country, though it would probably be under a more simple designation.

It is assumed that the principle referred to can only be introduced into small establishments, and that, as we have from 1,100 to 1,500 convicts in five of the prisons, and no prison, excepting Fulham, contains less than 500 or 600, it cannot be attempted. Now if by individualization be meant that there should be a constant communication maintained between the individual prisoner and a governor and chaplain of superior attainments, so as to secure the greatest degree of influence, I admit the force of the argument; and if it were indispensable that such constant intercourse should be maintained, the question would then be one of the additional expense of providing it. But looking to the English prisons as regards all other officers, the Scripture reader, the schoolmasters, principal warders and warders, they are appointed in direct proportion to the number of prisoners; and a large prison being divided into separate wards, it becomes an aggregation of small prisons, and there is as much opportunity for individual intercourse, so far as those classes of officers are concerned, as if there were a distinct prison for every ward of fifty men. If, however, small prisons, containing fifty each, were established in different localities, not only would the staff of superior officers require to be greatly augmented, but the inferior officers and servants would be proportionately increased—uniformity would also be rendered difficult. It would, likewise, be impossible to undertake and successfully execute any great national work, such, for example, as that at Portland, unless 1,200 or 1,500 men could be assembled for the purpose. Greatly increased expenses, and greatly diminished earnings would, therefore, be the consequence. As it may be shown that the average expenses on public works' prisons may be reduced from a gross amount of about £33, to a net amount of £8 or £10, by the proper application of convict labour, it will be apparent that the value of labour confiscated to the service must not be disregarded.

2. The second point to which I would advert, is that of a regulation by which there is assigned to progress in school the same weight in determining the advancement of a prisoner in the different stages which lead to remission, as is granted to good conduct and industry.

It is not necessary for me to say I do not undervalue school instruction, but what I perhaps do value more, is education; and every part of the discipline enforced from morning to night will be found to be a course of industrial and moral training, conducive to a man's best interests. But, as regards schooling, the judge passes a sentence, and the Secretary of State lays down rules for giving effect to it, in a way that, on public works, involves about nine or

ten hours' hard labour, and this it is which limits the hours for schooling.

During each day a prisoner is about fifteen hours under close observation of his officers, and during the whole of that period his forbearance and good conduct is exhibited in his ready and cheerful obedience to rules. He is urged on by moral discipline and common-sense motives to vigorous exertion as well as to self-denying efforts. During the same period, there may be some nine or ten hours when the additional test of willing industry, as well as conduct, is brought to bear and is duly recorded for regulating the progressive advancement of a prisoner till his final discharge. If, for the sake of comparison, it were permitted to reckon the number of hours during which these two tests afforded a daily exercise of self-control on the part of a convict, it would amount to $15 \times 7 = 105$ hours per week, during which time a constant struggle to obtain a certain boon would have to be maintained.

Now the time spent in school by convicts employed on public works, under the present regulations, does not exceed a half-day or $3\frac{1}{2}$ hours a week, and if, as suggested, $1\frac{1}{2}$ or 2 hours every evening were substituted for the half-day, to which there are obvious objections, it would only amount on the average to about 8 or 10 hours a week. It is proposed to us to make the efforts in school for these few hours to assume the prominent position of equality with sustained good conduct and industry during more than ten times the period. To adopt it would, in my opinion, be a monstrous injustice, and would be so regarded by the men.

I will take an extreme, but a perfectly truthful case, and give the opinion of a hard-headed, rough-handed Yorkshire navvy, who can only comprehend the subtleties of a theory when he feels the consequences of its being reduced to practice. He would deliver his sentiments upon the introduction of such a measure to the following effect:—"What's the use of my quarrying here all day if I'm not to get my stages or have my remission because I can't make pot-hooks and hangers of a night when I'm dead tired and half asleep? It's all the parson's fault, this is, that we are to lose a month out of three of our time. Where's the justice of it?" In sober earnest these sentiments under different modifications, would pervade a large portion of the prisoners. The admission of such a principle would tell heavily against the more honest portion of the convict community, and throw all the advantage into the hands of the sharper rascal who hated work, and to whom schooling was mere child's play. It is, of course, most desirable to enlist the hearty co-operation of all the men in profiting by the opportunities of instruction that are afforded, but they must not be driven to it, nor should want of aptitude nor even any apathy they may exhibit be allowed to diminish the hard-earned privileges of good conduct and industry.

Again, sending men on messages out of the prison, is preferred

as a test of character and means of exercising forbearance, and so it may be; but is it fair to subject a man to the temptation of so easily obtaining his liberty? It is quite true that it is only permitted when the men are close upon their release, and the difficulty would be to induce them to run such a risk (and so far it ceases to be a test). But suppose one were to run off; would an English jury convict him of breaking prison, or being illegally at large, without a recommendation to the judge that he should not be punished, and a censure to the gaoler who had committed an illegal act in tempting him to the offence? And how is the responsibility of the Governor in regard to the safe custody of all committed to his prison to be discharged? If I were to order the Governor of Pentonville to send a man to London, or the Governor of Portland to Weymouth, they could refuse to do so, from being alone responsible for the man's safe custody. Hundreds in the convict prisons might be selected as messengers, and they would faithfully perform the duty, but on the foregoing and other considerations I have never applied for authority to run such a risk, and were I to do so, even on the ground that it afforded a proof of reformation, I should anticipate a peremptory refusal.

Whilst writing the foregoing observations, I received a copy of the last Report of the Irish Directors, in which it is stated:—"After seven years' experience of the 'mark system,' we are entirely of opinion that it has been most successful in its results."

It is of great importance that this apparent introduction of the "mark system" into the convict management of this country should not be confounded with a "system of marks," which is merely made use of as a record of conduct and industry. It is well known that there is only one "mark system," namely that of Captain Maconochie. It is thus described by him in a pamphlet dated 1847.

"I. That the duration of sentences be measured by labour and good conduct combined, with a minimum of time, but no maximum, instead of, as now, by time only. The purpose of this is to make a man's liberation, when he is once convicted of felony, depend on the subsequent conduct and character evinced by him, rather than on the reality of his original offence.

"II. That the labour thus required be represented by marks; a certain number of these, proportioned to the original offence, being required to be earned in a penal condition before discharge.

"III. That to strengthen these moral checks and stimulants, when prisoners are kept together in numbers, they be distributed into small parties, say, of six, with common interests, each man thus labouring and refraining for others as well as for himself. By this means it is hoped to implant and cultivate kindly and social feelings instead of the intensely selfish ones which usually characterise the criminal. It is thus, also, sought to create a shadow of domestic ties even when in prison. And, lastly, these several moral impulses being well organized, it is recommended that they be confided in,

with as little mixture of direct force in obtaining the ends contemplated in them as possible."

The mark system was fully investigated before a committee of the House of Lords in 1847, of which Lord Brougham was the chairman. The whole principle was also fully inquired into by a select and very strong committee of the House of Commons in 1850, and the author was himself examined at length.

This explanation will, I trust, show the difference between the "mark system" as proposed by Captain Maconochie, and any system of marks by which the records of conduct and character are kept. In the old hulk time, the daily records of conduct were kept in marks, if they may be so designated. These were summed up each quarter when the men were mustered, and hence arose the terms "good" or "bad musters."

In the present convict system, as already explained, the record is kept in letters and not designated "marks" or "musters." V. G. (meaning "very good") is what the men aim to obtain, and by every such record a prisoner gains so many hours each day towards his earlier liberty.

Much is said of the comparative economy of the Irish system and the reduction of expense.

When the Directors assumed charge of the Department, the expense, per head, was £12 13*s.* 0*d.* The average of the last few years has been more than double. The great reduction which has taken place in the convict estimates of Ireland also is not due to the reduction in the number of convicts annually sentenced, but to the expiration of the sentences of those who, during five exceptional years connected with the famine, had over-crowded the prisons beyond all precedent.

Taking the fair average number sentenced before and after this exceptional period, and making due allowance for the decreased population, a great increase in wages, and other causes affecting crime, it will probably be found that the diminution of crime in England is fully equal to what is claimed for Ireland.

Police Supervision.—The question of police supervision over discharged prisoners is one of vital importance, not only in connexion with the administration of the convict system, but as being altogether opposed to the practice and public opinion of the country. It will, perhaps, simplify the discussion, to assume that it is proposed to bring the principle of police supervision into operation only over convicts released on tickets-of-leave, because in that state of qualified freedom the Government has an undoubted right to impose any conditions and to exercise any amount of control that may be deemed expedient. By confining the view to the comparatively small section who are at large on licence we shall be better able to see the conditions under which restrictions can be advantageously imposed, and I think it will become perfectly obvious that the greatest success may be expected under some circumstances, and the

most lamentable failure be as certainly predicted under others. I first claim entire success for the English mode of enforcing police supervision in a precise and effective form in Van Diemen's Land and Western Australia. There the curfew tolls the knell of bondage at 10 o'clock P.M. The men must not wander. Every change of residence must be reported. Personal appearance before the police, is required. Revocation of the indulgence follows the infraction of these and other minor rules. The chief point, however, to which I would direct attention, is, that a prisoner embarked from England, having had these restrictions fully explained, may confidently look to the substantial boon of not being driven into criminal courses, for want of resources, or a chance of earning his livelihood. Employment was secured to him.

Under circumstances where employment can be secured, I have always warmly advocated the third period of probation of our own system being carried out under the close and effective supervision of the police, but I no less earnestly protest against the favourable experience of it which has been gained in the colonies being taken to prove that similar measures could be applied in England, where, instead of there being an urgent demand for the service of ticket-of-leave-holders, they are well nigh a proscribed race.

To impose conditions and restrictions that would effectually stamp them as individuals belonging to a criminal class, in this country would be manifestly a most inexpedient exercise of power, and one that would be calculated to defeat the entire object of an improved system of convict discipline. In the Australian Colonies, the ticket-of-leave is a positive advantage, arising from there being a great demand for labour; and supervision is, at the same time, an advantage to the employer as well as to the convict.

In order to show the effects of carrying out any general system of police supervision under less favourable circumstances than those which have been referred to, I would adduce the opinion of some of the most eminent authors on the Continent, whose names and works will be familiar to all who have given attention to the question. Its failure in France has been described by Bérenger in his great work entitled "De la Répression Pénale." He says, that, to liberated prisoners, disposed to live honestly, the surveillance of the police is a burden, which, like the chains they have dragged about, holds them up, at all times and in all places, as criminals; deprives them, therefore, of the resource of obtaining employment; and, to the great detriment of society, exposes them unceasingly to the temptation of again entering upon a course of crime. The views of Bérenger, in regard to the effect of police supervision in France, are confirmed by the eminent jurist, Baron Holtzendorff, in reference to Prussia. He says, "It may be asserted that the indiscriminate application of supervision, no regard being had either to good or bad behaviour of prisoners, is a direct source of new crimes. There are certainly some cases where precaution is required and suspicion is justified,

but there are many other cases where the final reformation of discharged convicts depends upon their being treated with confidence. In France and in Prussia, police supervision is little more than a moral stigma, a predestination to a career of crime, and employers are deterred from any communication with discharged convicts placed under the supervision of the police."

If we look for a remedy for the evils of creating a proscribed and dangerous class by these repressive measures, unaccompanied by the offer of employment, I turn to my friend M. Ducpétiaux, an extract from one of whose admirable works is inserted in my Report for 1850. He makes the lion to lie down with the lamb. He unites the policeman and the patron in the same individual. "Patronage," says he, "is the necessary complement, and, if we may so express ourselves, the perfection of the reformatory system."

There is no doubt that the introduction of this plan has been found practicable and attended with some success in Ireland, in regard to such well-disposed prisoners as may have remained there, and the small proportion who have been actually placed under the police. Baron Holtzendorff says, "The Irish police, as far as I can see, do not make a constant show of distrust towards discharged prisoners. It is their duty to give assistance to those who, according to the competent explanation of the prison authorities, are entitled to confidence. It is their duty to be an intermediate institution between the prison officer, discharged prisoner and employer."

So far as Van Diemen's Land was concerned, the police might be regarded in the light of protectors to the ticket-of-leave man against the possible abuse of the power intrusted in the hands of his master, much the same as a Poor Law Guardian would be the recognised protector of a parish apprentice. Again, we must have employers ready to receive, and the employed willing to work with any discharged criminal who is anxious to do well. But the question arises, what becomes of those who are not so disposed? The probability would be that they would beat a retreat on the first appearance of their patron in his real character of a natural enemy. We here see what a nice adjustment of suspicion and confidence would be required in the intercourse between the policeman and the prisoner, from first to last.

Again, if character given in prison is to be taken into account in determining whether or not a man on discharge shall be brought under supervision of the police or be left at liberty, I assert that it is too fallacious a criterion to be depended upon; and that though favourable general results may be confidently anticipated from an enlightened treatment of convicts, it requires the greatest possible caution in acting in individual cases upon an opinion that may have been formed during any kind of imprisonment. All experienced officers will concur in this conclusion.

No one is more competent to speak on this point than Mr. Organ, the talented lecturer of Smithfield and Lusk Intermediate Prisons.

He says in one of his reports, "The results of my experience amongst them in this way have long since led me to believe that a more perfect knowledge of the real character of prisoners can be acquired by close observation for the first two days after discharge, when they are free, and feel themselves uncontrolled and independent, than can be derived from any experience of them whilst inmates of a gaol. My *practical* experience of their characters, both inside and outside of the prison, convinces me that the opinion I now advance is correct."

A large proportion of prisoners are practised in deception, and so long as they have anything whatever to gain or lose they will be disposed to appear as models of external rectitude, and they are often deceived themselves as to their own reformation, and may thus mislead others without intending it. Some among them have a zest in the bare exercise of their powers of dissimulation, as much so as an actor has in pourtraying a character. They have before acted their part with success, and they have a satisfaction in trying it again. If it were necessary to make any difference between the condition of two men on release, it would be a far safer test to look to their respective crimes and antecedents than to their conduct in prison. I can express this opinion with the less compunction, because I have been accused of being a believer in convicts—a believer with the committee of the House of Commons of 1850—in the majority being open to the same good motives and good impulses which influence other human beings, and their capability of being reformed. As already shown, a very general success attends the efforts to reform, but I am speaking of the insufficiency of the evidence upon which one individual can justly be placed, on his release, under galling restrictions, imposed on the mere opinion of a prison officer, and another be sent away in the enjoyment of perfect freedom.

If, therefore, any general measure of police supervision were in contemplation, a judicial sentence imposing it on a class previously proved to be incorrigible, or a regulation by the Secretary of State, would be the constitutional way of dealing with so grave and so difficult a question. So wide a discretionary power, affecting, perhaps, a man's condition for life, should not be left in the hands of the directors or governors of prisons. They have responsibility enough already in the endeavour to do justice to all in the case of their remissions, but this would add greatly to their anxieties. A powerful writer in one of our leading periodicals (who, if he had lived in that day, would have done good service in the field of Runnymeade) says, "If our Institutions are not strong enough to maintain a fair stand-up fight with crime, let them be improved; but let the thing called police supervision continue to be so strange that we have no word in our language which will accurately convey its meaning."

The great success obtained both in Van Diemen's Land and Western Australia proves by experience the conditions that are indispensable to its introduction, namely: a centralized and perfectly

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[illegible] *the Reform* [illegible] *Philosophical* [illegible] *By* PROFESSOR MITTE[illegible]

[illegible] discipline best suited for the [illegible] assumed a substantially [illegible] to reckon on the possib[illegible] on the subject. The old [illegible] system of associated imprisonment, or the [illegible] preferred, and how the former [illegible] giving place to a general conviction [illegible] that solitary confinement must be recognised as an indispensable part of all prison discipline. In

question at present is rather whether solitary confinement should be adopted as the general and only system in carrying out the entire execution of sentences of imprisonment, or whether it should be employed only for a part of the sentence. Thus, all criminals being condemned to solitary confinement, though only for a term, that term might be either fixed by law, or it might be left to the discretion of the prison authorities to decide when it might be desirable to admit the convict to associate with other prisoners. The views existing at present in Germany, Switzerland, and Italy, will be best seen by treating—

1st. Of what has been effected by philosophical inquiry.

2ndly. What by legislative decree.

3rdly. What by means of the lessons of experience.

I. It must be acknowledged that, in all recent philosophical and legislative inquiry on the subject of prison reformation, it is important to duly test the results of the methods adopted in England and Ireland. With regard to England, the recent reports and writings of Sir Joshua Jebb, ("Memorandum on Different Questions Relative to the Management and Disposal of Convicts:" London, 1861,) have been consulted. In Germany especially, Sir Joshua Jebb's labours in prison reformation are highly appreciated. Still, in his late publication he makes important acknowledgments, *e.g.* p. 21, on the danger attending the admission of prisoners to intercourse with others, even after long isolation, and on the great difficulty of laying down a discipline offering sufficient guarantee. It is to be regretted that Sir Joshua Jebb should be so decidedly opposed to the Irish, or intermediate system, and it is to be feared that, in some respects, he is occasionally involuntarily biassed by a certain jealousy that exists between the English and Irish; though it must be confessed that, although a system may work well in one country, great prudence is requisite in introducing it into another, and perhaps the non-existence in England of many of the police regulations of Ireland may tend to make the English system more efficient. It is evident that in Germany, Italy, and Switzerland, the Irish system of prison discipline is more and more appreciated. The reports of the Director-General, Capt. Crofton, have excited great attention, as have also those made by the other excellent and experienced men at the Dublin Congress, (*Transactions*, 1861, pp. 12, 76, 493,) especially the admirably practical exposition delivered by Capt. Crofton at the Congress, (*Transactions*, 1861, pp. 419—426,) which made a great impression in favour of the Irish system.

Another English publication has likewise been read with great interest, viz., "The Prison Chaplain," a memoir of the Rev. John Clay, in which an important comparison is made between the English and Irish systems with regard to the probationary ticket-of-leave, and in which (pp. 418—442) the defects of the English system are practically developed; showing, at the same time, that by means of the probationary ticket-of-leave, the Irish system affords a better guarantee for public security than can be reckoned upon

by the English. Paragraphs in *The Daily Telegraph* (Jan. 6—23) likewise direct attention to important points.

Among the recent publications in Germany since 1861,* the following on prison reformation deserve especial mention. 1. A series of publications has appeared respecting the regulations of the Moabit prison in Berlin, according to which the entire administration is confided to the members or Brothers of the so-called "Rauhen Haus," and they are consequently the acting overseers and work-masters, under the direction of Herr Visschers, known in England as head of the prison administration in Prussia. Professor Von Holtzendorff,† who was listened to with so much interest at the Dublin Congress, has rendered fresh service by showing, in various publications, from hitherto unknown sources, that these Brothers of the "Rauhen Haus," forming in reality a religious order, may easily become prejudicial in a prison where they alone have the direction, for experience shows that they too generally act from one-sided views; being too much under the influence of a religious, pietistic mysticism, to succeed in the reformation of convicts, they are far too apt to make hypocrites of them, whereas experience proves that nothing but a practical method of straightforward reformatory progress can succeed with criminals. This attack upon a system favoured and upheld by many influential persons, called forth many publications in defence of the Moabit system, especially endeavouring to prove that the apprehensions entertained on the subject were unfounded and imaginary.‡

2. A work of Schuck's § is worthy of attention. He was himself prison guardian for thirty years, and afterwards for several years Director of Moabit, but was removed, it appears, for not yielding implicitly to Herr Visschers. Herr Schuck defends the Moabit regulations, and in so doing unjustly opposes the appointment of subaltern officers (*Unteroffizieren*) as sub-directors of prisons. His book, however, deserves attention, for the importance his experience induces him to attach to the separate system; for the comparison he draws between the two prisons of Bruchsal and Moabit, both built on the separate principle; and for certain important observations, such for instance as on the reformatory training of the convict under the separate system, and on insanity.

3. The late publication of Fuesslin‖ must be signalised, the

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* With regard to those published before 1861, the author of the present Report begs to direct attention to his two publications on "Prison Reformation." Erlangen, 1858. "The Present State of the Prison Question," 1860.

† "The Brethren of the Rauhen Haus, a Protestant Order in the Service of the State," by Von Holtzendorff. Berlin, 1861.

‡ Such as, "The Brethren of the Rauhen Haus," by Herr Oldenberg, Pastor of Moabit. Berlin, 1861. "The Separate System in Prussia," by Böhlau. Weimar, 1861. "The Cellular Prison Moabit," by Ortloff. Gotha, 1861.

§ "The Separate System as Practised at Bruchsal and Moabit." Leipsic, 1862.

‖ "The Recent False Charges against the Separate System through Misrepresentations of the Results of the System as Adopted at Bruchsal." Heidelberg. 1861.

author having been for many years Director of the Bruchsal Prison, in which he took an active part in introducing the separate system. He likewise shows how unfounded are the assertions that have appeared in many of the public papers against the efficiency of isolation as practised at Bruchsal, and how unjust it is to charge that system with producing so many cases of relapse.

4. A work of Götting* upholds the separate system as that best adapted to work moral reformation, and shows in what consists the reformation that can be effected in a prison by means of isolation.

5. A useful work is that by Bauer,† for many years Superintendent of the House of Correction at Bruchsal, and who especially directs the industrial department. The dictates of his experience are valuable as to the good resulting from employment being given likewise in solitary confinement; he considers it a means of moral reform.

6. Von Holtzendorff, who labours with so much zeal in the cause of prison reformation, tests, in one of his works, ‡ the Irish probationary ticket-of-leave system, showing the principle on which it is based, and proving the fallacy of the opposition raised against it on the ground that thereby a sentence of condemnation for a fixed term loses both in dread and force. The author shows that probationary liberation quite accords with the intention of the law in passing sentence of condemnation—that the judge may err in adjudging the penalty, and that in allowing a certain discretionary power, depending on the conduct of the convict, we have one of the best means of ensuring a just degree of punishment. The defects he points out in the English regulations, and the conditions he suggests to render probationary liberation efficacious, deserve the attention of English jurists.

7. Dr. Gutsch, physician of the Bruchsal prison, publishes his collected experience on the development of insanity under solitary confinement. § He acknowledges that a considerable number of such cases have occurred at Bruchsal, but that it would be very unjust, on that account, to depreciate solitary confinement as a principle. After careful investigation, it is evident that one half the cases of insanity were of a slight character and curable, that the cures were in the proportion of seventy per cent.—in five cases the convicts were decidedly insane on arrival, and the surgeon alone was to blame, who, either from ignorance or negligence, pronounced the individual accountable. In forty-four cases there was evidently a predisposition, independently of imprisonment. In all cases suitable measures were promptly adopted. One cannot, however, agree with the author in advocating that the convict showing

* "Justice, Life, and Knowledge. For the Educated of all Classes." Hildesheim, 1861.

† "Industrial Labour in Prisons." Carlsruhe, 1861.

‡ "Discretionary Mitigation of Sentences of Condemnation." Leipsic, 1861.

§ "On Insanity under the Separate System. From Facts Collected in an Experience of Twelve Years in the Prison of Bruchsal." Berlin, 1862.

symptoms of derangement should continue in the prison, instead of being removed to a mad-house.

Among the works that have appeared in Italy on the subject of prison reformation, the following deserve attention.

1. Observations of Director Ambrosoli,* who decidedly pronounces in favour of the separate system, though with the proviso, that the term of isolation should not be too protracted, and that it should rather be employed at the commencement of imprisonment, and with due regard to the best means of ensuring the moral reformation of the convict. Probationary liberation, as a reward for exemplary conduct, he thinks worthy of recommendation.

2. An important publication is that by Sig. Girolamo†, who has been for many years Governor of the Lunatic Asylum at Pesaro, and has consequently had the best opportunities for observing the narrow boundary that often exists between crime and insanity, and how necessary it is to study the laws of the development of human nature, in which similar causes often lead either to crime or insanity. The author shows, in a mass of practical observations, how easily the judge may err, and how necessary it is in passing sentence to have due regard to the individuality of the convict. He pronounces for the separate system, but applied judiciously, isolation acting so differently on different individuals. He very ably shows that the education of the convict in prison ought to be in many respects analogous with the treatment of insanity in a mad-house, and therefore how important it is that the governor of a prison, as well as the physician, should have been trained to physical investigation of human nature. He likewise approves of probationary liberation and the intermediate system.

3. Two works on the efficiency of the separate system in Tuscany are worthy of attention. A physician, Sig. Morelli,‡ wrote in 1859 a treatise denouncing cellular imprisonment, giving his own experience in the prison of Volterra, with various statistical data, in proof of the deteriorating effect of the system, both physically and morally, and of its by no means answering the desired purpose.

In reply to this last, the Governor-General of the Prisons in Tuscany, Sig. Peri,§ makes it evident that Sig. Morelli's statements are exaggerated. It must be allowed, he admits, that much was to be complained of in the Volterra prison as to the locality, but that the Government had not delayed to remedy the existing evils, and that, in general, the facts of experience were in favour of the separate system.

These two publications must be considered together. Although Sig. Morelli may be reproached on the one hand with exaggeration,

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* "On the Penal Code of Italy." Milan, 1862. P. 49.

† "On Penal Condemnation according to the Modern Penitentiary Systems; and on the Application of Criminal Law." Florence, 1862.

‡ "Sanitary Essays on the Penal Régime under the Separate System." Florence, 1859.

§ "Reply of Sig. Carlo Peri to the Treatise by Dr. Morelli." Florence, 1860.

and on the other with passing over in silence what has been done by the Government, yet his publication is important for showing, as it does, how little success can be reckoned upon in adopting the separate system in old prisons, patched up to serve for the purpose, and in which the necessary precautions cannot be taken to prevent injury to the health of the convicts.*

II. With regard to what has been effected legislatively in the domain of prison reformation, we would particularise the following :—

1. The Bavarian Law of November 10th, 1861, On the Punishment of Criminals by Solitary Confinement. In Bavaria the opinion has been more and more gaining ground, that the associated system of imprisonment can hardly fail to act more or less injuriously on the convict, and can only, to a certain point, be reformatory. Even in the prison at Munich, in which Herr Obermaier laboured so zealously, the increasing number of murders perpetrated among the convicts, especially of those suspected of being informers or traitors, showed that he himself was under illusion as to the success of his system.

In Parliament the old system was constantly attacked, and the introduction of the separate system demanded. In revising the penal code the Government could not remain indifferent to the increasing preference given to the separate system, but it was thought desirable, before deciding definitely for the future, to obtain some experience in their own country on the results of isolation, and thus the said law of November 10th, 1861, was passed by way of transitional experiment. It decreed :—

A. That buildings should be erected on the cellular system for men only. For women, isolation was not deemed applicable. It was to be tried upon convicts whose sentences varied from two months to five years, but not beyond. Caution was to be observed in not adopting it for convicts who appeared either physically or morally incapable of bearing it.

B. The sentence of solitary confinement was not to be executed with the extreme rigidity practised at Bruchsal or Moabit. True, (Art. 3), each convict was to be kept to his separate cell, excepting for the time requisite for exercise in the open air, public worship and education. These exceptions rendered the isolation less absolute than at Bruchsal.

C. By way of encouragement in the reformation of convicts, it was proposed (Art. 8) that those who had shown symptoms of amendment after a year's solitary confinement should, the better to ensure the durability of their reformation, be admitted to work with others.

D. Since it must be confessed that isolation is an intensely severe

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* A work by Advocate Costi of Athens should not be passed over in silence, in which he communicates to his countrymen the results of the investigations and efforts in prison reformation published in England and Germany, earnestly pointing out the need of reformation, and the advantages of the intermediate system and the probationary ticket-of-leave. "Observations on Prison Discipline." Athens, 1862.

penalty, Art. 12 suggests, as a possible alleviation, that in sentences to solitary confinement the term might be reckoned in the proportion of two days of isolation as equivalent to three of associated imprisonment. This, however, not for the first six months.

E. By way of experiment in further carrying out the separate system, it is added, (Art. 12,) that in the old prisons there should be a certain number of cells prepared, in which convicts, without distinction of sex, shall be kept separate for six months from the time of their entrance, or for longer, with the consent of the convict.

2. In the Kingdom of Hanover (1st February, 1862,) a bill was brought into Parliament for the introduction of the separate system. This can only be considered as a partial measure, it not being possible for some time to introduce it generally.

A. The bill proposes that isolation should be enforced in all penal sentences; for, once its efficiency admitted, there is no reason why it should not be the general rule.

B. Convicts showing less moral depravity should, by preference, be isolated.

C. On the term of isolation they were not prepared to decide, but the general opinion was that it should not exceed three years.

D. In consideration of isolation being so hard to bear, the law admits of a reduction of the term proportioned to the criminality of the convict, so that in a sentence of three months' imprisonment, one day of isolation shall reckon as two days of the common prison. In the house of correction, for a sentence of one year, three days' solitary confinement shall be equivalent to four under the old system.

3. In the new penal code for Bremen the separate system is decreed, and every effort is made to render it efficient as a means of reformatory progress—adopting it likewise for the whole of the sentence. The project is to have only one prison, in two divisions—the one to be the house of correction, and the other for the prison. During public worship the convicts are to be kept separate. A fixed term of isolation, as in Baden, for six years, is not decreed. By a resolution of the committee of inspection, isolation may be suspended for the convenience of associated labour for convicts, under a sentence of six months or less, having already had a month's imprisonment, at their own express request, and when there is no ground for fearing a bad influence; likewise, by way of trial, for correctioners who have been in confinement eighteen months, if they show signs of amendment.

4. Three of the Swiss cantons—Aargau, Neufchatel, and Basle—have recently declared for the separate system. The principal prison is to be in Aaran. Chief Justice Welli has the merit of convincing his countrymen of the advantages of the separate system and of procuring the erection of a new prison. A high premium was offered for the best plan, and the building is progressing rapidly. It is planned so as to meet all requirements, both for associated and solitary imprisonment; certain of the cells being only for sleeping, as during the night all are to be kept separate; other cells of larger

dimensions serving for day and night. In Neufchatel and Basle prizes were likewise awarded for the best models.

5. The city of Frankfort has likewise offered a similar premium for a plan according to regulations drawn out by the experienced Herr Varrantrapp, in which the separate system is to be more thoroughly carried out than in Switzerland.

6. In Italy, two states only can be named as having seriously entered upon a system of prison reformation, viz., Tuscany and Piedmont.

As already mentioned, the separate system was adopted throughout Tuscany in the year 1849, and the Governor-General, Sig. Peri, laboured most successfully in its establishment. We have, however, already shown likewise that it called forth much opposition, especially through the writings of Sig. Morelli. In 1859, Tuscany was united to Piedmont, and in September of the same year the Provisional Government appointed a commission of inquiry with regard to prison discipline. Their report was to the effect, that it were a crime to think of returning to the old system, but that, at the same time, absolute uninterrupted isolation, especially for the southern temperament, was not desirable; that the sentence should be divided into three periods. 1st. Complete isolation for a fixed term. 2nd. Associated, but solitary for the night. 3rd. Agricultural labour in appropriated localities. On the 10th January, 1860, the Government decreed the cessation of capital punishment, also that convicts sentenced to imprisonment should pass the whole term in solitary confinement; those sentenced to hard labour to be isolated the first half of their term; those sentenced to the house of correction for the rest of their lives, to be isolated for the first ten years, and then admitted to work with others, constant silence being enforced.

It is to be mentioned that, from May, 1858, an attempt has been made in Tuscany for the establishment of a penal colony on the island of Pranosa, that convicts from the different prisons, who may be found worthy of it, should be rewarded by being removed there to work in the open air, thus instituting an intermediate prison, as in Ireland. According to communications received by the author of the present report from Sig. Peri, the organization is very good. There are 130 convicts on the island, and hitherto there has been no disturbance.

In Piedmont, in 1847, the separate system was adopted in the principal prisons, for the night, while during the labours of the day silence was enforced. In 1857 interesting discussions took place in Parliament on the separate system, and many were in favour of it, but it was adopted only for criminals under examination and convicts sentenced for six months. Further application of the separate system is still opposed in Piedmont. In 1861, a new prison was built at Cagliari, and at the same time the necessity of reforming the prison discipline throughout the country was brought before the Government, and the result was, that on the 16th February, 1862,

a commission of nine members was appointed by the King for inquiring into the subject, two of the members being Sig. Peri and Sig. Vegezzi Ruscalla, who had both laboured so zealously for many years to obtain the most suitable methods for carrying out the separate system. One of the duties devolving on the commission was that of proving whether the penalty of hard labour on board the hulks or galleys is, or is not, consistent with the present state of civilisation, and the progress made in penal modification, especially as compared with the sentences grounded on the penitentiary system —in case of their showing being negative, what penalty should be substituted. Further, whether it were not desirable to concentrate all the prisons, including the hulks, under one administration. The researches of the commission were also to be directed to the different penitentiary systems, and to decide which was the best—especially they were to consider the sort of buildings best adapted for the efficient working of the penitentiary system. Finally, they were to show whether penal agricultural colonies are desirable, as a gradation in the penalty, or whether it might not be arranged that such penal colonies should be employed, by way of mitigation, for convicts whose good conduct might deserve it. Much is to be hoped from the investigations of the commission.

We have to add also, that on the 27th January, 1861, a code of prison regulations, containing 331 paragraphs, was issued for the Kingdom of Italy.

III. As regards experience on the subject of prison discipline; it is a cause of complaint that, owing to the Governments keeping the executive power in their own hands, much, especially with regard to prison administration, is kept secret, and consequently nothing can be known of the working of the separate system as is the case in England, Scotland, Ireland, and Switzerland. The prison directors give in their annual reports to the ministry, but these reports remain official secrets, and are never published—the prison employés are even bound by oath to make no communications to third parties. Thus, important facts cannot be turned to account, and the press is deprived of a principal means of censuring error, and of exposing prejudices and misunderstandings with regard to new and improved systems. In Prussia, latterly, an official notice* on prisons has been published, but one cannot be satisfied with this way of enlightening the public. Such reports can only attain their end when, as in England, Ireland, and Scotland, the director, as well as the pastor and the physician, give in their separate reports, with their individual observations and experience. Thus, the citizen possesses the direct testimony of the prison officers—whereas, after the Prussian manner, Herr Visschers only, as Governor of the Prisons, makes a general statement, in which he quotes certain

* "Communications from the Official Reports of the Prussian Royal Prisons under the Jurisdiction of the Minister of the Interior; During the Years 1858, 1860. Berlin, 1861

passages from the reports of the several officers, as may appear fitting to him from his own point of view. There is much to condemn in the Prussian prison regulations. The ministry had announced to the members of parliament, that the Government authorised the trial of the separate system in one of the prisons, through a special order of administration, though as a system it was not recognised in the law of the country. It would seem that the proposed changes do not accord with the spirit of the constitution. In Prussia, likewise, the prison administration most inexpediently comes under the jurisdiction of two different ministers—those in which are confined prisoners under examination and convicts under sentence, fall under the jurisdiction of the Minister of Justice; while the houses of correction and prisons in which convicts sentenced for longer terms are kept, fall under the jurisdiction of the Minister of the Interior. It is evident that, thus, no uniform and suitable system can be acted upon in any of the Prussian prisons. Only in the Moabit Prison in Berlin is the separate system used for criminals sentenced to the house of correction, and they should be between the ages of eighteen and forty-five, and such as may be deemed advisable to isolate entirely, day and night. It is evident that from experience obtained in such a prison, in which, moreover, the convicts for the separate system are selected, no decision can be arrived at as to its being really injurious. It was stated above that the overseers in this prison are all Brothers of the Rauhen Haus, and that this circumstance creates dissatisfaction. The principal German prison built upon the separate system is that of Bruchsal, in Baden. To that are sent convicts sentenced to the house of correction, not, however, for longer than six years, so that at the expiration of this term the convict passes into the common prison, unless he prefer to remain isolated. Experience shows favourably for the result of the separate system as conducted in Bruchsal, in that it has a decidedly reformatory influence on the convict. Though it is not to be denied that several of the liberated from Bruchsal have relapsed, yet the number is not so great as from other prisons, and the blame in many cases no doubt lies rather in the want of proper establishments where the liberated could be suitably employed and guarded. It was mentioned above that, according to the report of the officiating physician, insanity often ensued at Bruchsal. It is, however, shown that in 1860 there was only one case of insanity, and in 1861 none at all.

The Government is willing to grant tickets-of-leave to such convicts as, either from physical or moral causes, could not safely be committed to solitary confinement; likewise in many cases clemency has been shown on account of good conduct, and the remainder of the sentence been remitted. In 1860 there were thirty-five such cases. In 1861 there were twenty-five. The most remarkable fact is, that each year the number increases of those who, having been in solitary confinement six years, might be admitted into the common prison, yet prefer continuing in their cells—this is a satisfactory

testimony to the preference given by the convicts themselves to the separate system. In 1859 there were ten such cases.

Satisfactory experience has been made in the prison of Vechta in Oldenburg, in which the very zealous Director, Hoyer, has effected much in the reformation of criminals. Latterly, convinced of the advantages of the Irish intermediate prison, considerable acquisitions of land have been made in the neighbourhood of the prison, enabling them greatly to improve their discipline—the gradations of which are: isolation at first, to which all are committed for a longer or shorter period. Where there are proofs of decided and durable reformation, the convict may be removed into the intermediate prison, in which the treatment is milder, combined with the privilege of working in the open air. In case of bad conduct the convict returns to his former class. Facts speak much in favour of this prison. But few of the liberated have been recommitted, and they have been chiefly imbecile and indifferent, or convicts that had been in other prisons and become more and more depraved through bad association.

We have yet to observe that a Prussian "Prison Association" in Rhenish Westphalia publishes an annual report, in which the resolutions passed by Government are given, and important facts communicated, showing the serious necessity there is for prison reformation; with accounts of the condition of different prisons, often accompanied by severe criticisms of their defects and deficiencies. One signal service this association renders is its taking upon itself the presenting of petitions to the ministry.

The general result of the views entertained by the true friends of prison reformation in Germany, Switzerland, and Italy, is the conviction that the separate system, well organized, can alone strike at the root of the evil; that still considerable misunderstanding prevails as to the object aimed at in the separate system—the principle not being sufficiently recognised that the end proposed by the penalty ought to be the reformation of the criminal. This was most ably demonstrated by the Attorney-General of Ireland, O'Hagan, at the Dublin Congress (*Transactions* 1861, p. 61). "While the prison," he says, "should ever retain its dread character of justly incurred penalty, still there must be combined with this severity the endeavour to reform the convict."

Everywhere it is becoming better known that where the introduction of the separate system has not appeared successful, the Government has been to blame, in dealing with half measures—from mistaken economy, neglecting the means and regulations on which depend the success of the separate system. Blame likewise rests with the prison officers, who do not enter into the spirit of the separate system—they cannot understand that reformatory education, adapted to the individuality of the convict, is the desired aim in the separate system.

Prison Discipline. By Major-General Sir Joshua Jebb, K.C.B.

The administration of Criminal Law, in order to its practical development in systems of discipline adapted to different classes of prisoners, involves so many, and such varied questions of importance, that any consideration of it should be preceded by a preliminary discussion of its principles and objects. In undertaking to submit a paper on the subject, I felt that it was a task of much responsibility, and, therefore, referred to a practical work in order to ascertain what particular points should be prominently brought under consideration.

Speaking of prison discipline, a learned and experienced author says: "Those who begin the work by starting at its foundation are perplexed by the accumulating questions which arise as they advance. The causes of crime, social economy, educational influences, physical phenomena, parental government, mental dispositions, moral instincts, industrial habitudes, constitutional idiosyncrasies, contemporary association, climate, police supervision—these, together with penal jurisprudence and its incidents, co-relations, and influences," are presented as realities to be considered; presented, too, under aspects of startling importance, and of almost impossible reconciliation. I confess that this enumeration of subjects to be investigated created a painful sense of my own incapacity to do justice to prison discipline. I was, however, to some extent relieved from this feeling by the following question, put by the author in reference to such investigations: "Can it be otherwise," says he, "than that but slow progress is made in practical reform?" This conclusion of the author made it evident that, as making progress was the main object, it was better not to enter upon subjects which would so effectually block up the road. I felt that were we to enter upon the many separate theories which might be founded on these separate questions we might certainly extend our horizon into indefinite space, and perhaps amuse ourselves in the regions of fancy; but that to make good our footing in any one direction would be impossible, without altogether disregarding this necessary warning of one well acquainted with the road.

I would, therefore, propose to confine myself to the more humble, but possibly more profitable task of giving a brief account of the rise, progress, and present state of prison discipline in this country, and the simple principles on which it is conducted. I trust, however, in doing so, to be enabled to raise the main points requiring consideration.

In the discussion of penal laws and institutions, persons are too much in the habit of separating their deterring effect upon the community at large, from their correcting effect upon the criminal himself.

It is true that these two results represent two perfectly distinct ideas. The first, and most natural object of a community in the punishment of criminals, is the protection of persons and property. Christian charity and duty incline us to the adoption of a kind of punishment which will correct and reform the criminal himself. To secure these two essential objects may properly be considered as the science of penal legislation. If, however, both objects be fairly and thoroughly considered, it will be found that the processes by which they are severally to be attained need not be antagonistic to each other, but, on the contrary, that the punishment and discipline best calculated to reform a criminal, is likely to wear a very disagreeable and deterring aspect to those classes of men who are most liable to be tempted to criminal acts. The end to be kept in view is, not the visionary idea of extirpating crime, but the Christian idea of restricting it within the narrowest possible limits.

My only claim to a hearing in this matter rests on the accidental circumstance of having been occupied, during the last twenty-five years, in the organization of separate confinement, and the discipline and training of convicts on public works, the treatment of juvenile prisoners, the discipline suitable for military offenders, and last, but not least, the management of females. I am, also, in a measure responsible for the revolution that has taken place in the construction of prisons, and have had the rare advantage of having built all those in which I was afterwards to be responsible for the discipline. During the whole of the period referred to, everything connected with prisons has been in a state of transition, and I hope and believe of progress in a right direction. Having made these preliminary observations, I will first refer to the discipline as administered in the county and borough prisons, reserving for another paper, an account of the Convict system, and the objections which I, who profess myself a reformer, entertain to certain suggested changes.

It will, I fear, be difficult to compress within reasonable limits a subject on which yet exists a great diversity of opinion, and on which volumes might be written. The most I can hope to do will be to indicate the leading principles which are more or less recognized, and which have diverged into what may be termed the different systems and combinations, which appear in the practical administration of discipline.

If it be considered that the number whose sentences are carried out in the county and borough prisons, though they have been reduced within the last few years from 20,000 annually, still amount to about half that number, whilst the convicts who come into the hands of the Government, though they have amounted to 3,250, do not now amount to 2,250, it will be obvious that the effects to be anticipated from the discipline established in ordinary prisons must have the greater influence for good or evil on the social well-being of the community, and on a far larger body of criminals. Hence the greater importance of placing the discipline in the county and borough prisons on an uniform and sound footing.

It is, however, somewhat singular that, during the twenty-five years that have elapsed since Mr. Crawford and Mr. Russell, and other great authorities, discussed the merits of different systems of management, the subject of *Prison Discipline*, excepting in the more enlightened treatment of juveniles, has been allowed to drop; whilst, on the other hand, the management of *Convicts* has, in one shape or another, been kept constantly before the public. In the face of the fact that there are few ordinary prisons in which there exists uniformity either of principle or management, it is difficult to account for the apathy of the public on a subject of so much importance.

I will now proceed to trace the origin of the several systems which possess distinctive features.

The state of our prisons when the great philanthropist, Howard, set out on his most righteous crusade, is sketched by an eminent author. The cells in a prison he visited are described as being "small and dark, airless, drainless,—a living grave." He states that "one week of that dirty, fetid, cruel torture house, was a severer punishment than a year of our worst modern prisons; more dreadful in its suffering, more certain in its corruption, overwhelming the innocent with a more tremendous sense of despair, provoking the guilty to more audacious defiance."

Read by the light of our present experience, it is incredible that any but the powers of darkness could have tolerated such cruel neglect of the temporal and eternal interests of human beings for whose condition any constituted authority was responsible. It was a national sin. Let us, therefore, draw a veil over the past, and endeavour to atone for it.

Howard disclosed the abominations of our prisons before the House of Commons in 1774.

In the following year, the Duke of Richmond and the magistrates of Sussex erected the prison at Horsham, in which, as described by Howard, every felon was to have a separate cell, ten feet long, and seven feet broad, by nine feet high.

In 1778, an Act (19 Geo. III., cap. 74) was passed, in the preamble of which it is set forth that the separate confinement of every prisoner might be the means, under Providence, not only of deterring others, but of reforming the individual, and inducing habits of industry. I would call particular attention to this Act as the first gigantic effort to grapple with an evil of the greatest magnitude. I would desire also to show that, though the principle of separate confinement was subsequently almost lost in this country, England may fairly claim to have originated a system which, through the fostering care and energy of the descendants of the great Pilgrim Fathers in America, has been preserved and handed back to us in all its original perfection. That we have made good use of the gift I hope to be able to prove. In correcting any great social evil, however, such as a reform of the abuses which our prisons have,

at various times, presented, we must carefully avoid a very common error in this country, of rushing into an opposite extreme. Lord Denman, in his replies to Lord Brougham, given in 1847, remarked, "I hold the only legitimate end of punishment to be, to deter from crime, but I think I perceive in some of the theories of benevolent men such a mode of administering the criminal law, as to encourage instead of deterring."

The main question is, what practical measures are the best calculated for securing the objects of a sentence in the punishment and reformation of offenders? Simple as these objects appear to be, numerous schemes, resting on apparently sound theories, have been propounded for their accomplishment; and many having great claims to attention, have, at various times, been placed before the public. I will, however, only venture to advert to the three systems which have been the subject of legislative enactments, or have been introduced into the English prisons in a definite form.

1st. An associated system, still in operation in some prisons in this country and elsewhere, based upon a classification of prisoners.

2nd. The silent system, in which prisoners are associated in work-rooms, and for exercise during the day, under a rule of silence, but sleep in single cells at night.

3rd. The separate system, in which each individual prisoner is confined in a cell, used as a workshop by day and his bed-room by night, and is thus effectually prevented from communicating with any but those who are appointed to visit and instruct him.

I have shown that the first effective step in reform was made by those who carried out the views of Howard in 1778. The second great effort was the result of the crying evils which again reached the heart of the public, and, through the energy of the late Sir Robert Peel, led to effective legislation in 1823. In that year many complicated Acts, stretching back to the time of Edward III., were repealed; statutes against "rogues, vagabonds, and other lewd persons," were swept away, and in their place was substituted a most comprehensive and practical statute, known as the Gaol Act, (the 4th Geo. IV., cap. 64,) which, to the present day, is the basis of most of the rules and regulations in force in our prisons.

It was, however, unfortunate for all the interests concerned that the great efforts which were made all over the country to bring the provisions into play were directed by theory rather than experience. The classification of prisoners, instead of their separation, was regarded as the panacea for all evils, and the means of achieving all that was desirable in penal administration. Every arrangement in construction was therefore directed to give effect to this, and enormous sums of money were laid out in different counties in the erection of prisons for the purpose. Specimens may be seen at the Westminster Bridewell, and at Maidstone, Derby, and elsewhere. A central tower was supposed to contain an Argus

stantly on the watch, and from four to six or eight small detached blocks of cells radiated from it; the intervals between the buildings formed the yards for the different classes. These were exposed to an inspection from the centre, that would, when exercised, detect riotous or disorderly conduct, but was not intended to check the recognized right of each class to amuse themselves as they pleased. Each of these detached blocks contained a certain number of small cells, generally about eight feet long by five feet broad; and there was a day-room or rooms in each, where the prisoners of the class could sit over the fire and while away time by instructing each other in the mysteries of their respective avocations. In fact, had it been an object to make provision for compulsory education in crime, no better mode could possibly have been devised. No sooner, however, was an attempt made to carry out the discipline, than it was discovered that there was no real standard by which to classify. A burglar might be sent to prison for begging, a pick-pocket for assault and battery, &c. In fact, every shade of criminality might have its personal representative in each class. Hence any attempt at moral classification, in order to neutralize the evils of companionship, was but an abortive pursuit of an end without the means of attaining it. In a remarkable work by Prince Oscar, afterwards King of Sweden, the opinion is recorded, that the impossibility of making any positive classification of prisoners has been proved with so much mathematical certainty, that the system should be taken as a point of departure in all reform of prisons.

Secondly, I proceed to explain the principle of the "Silent System."

If the members of each class of prisoners, instead of being left to unrestricted social intercourse, were obliged to sit side by side on a bench, and were compelled to work under the immediate superintendence of an officer, whose duty it would be to punish any man who, by word of mouth, look, or sign, attempted to communicate with his fellow prisoner, we should have the silent system in operation. This system contemplates each man having a separate sleeping-cell, but that he shall be associated with others during the day for labour or exercise, under a rule of silence; and as minute classification is not, theoretically, so necessary as before, the usual practice is, to assemble such classes as can be properly brought together, in order to economise superintendence. The silent system has its advocates, and was a great improvement on unrestricted association; but if, in penal jurisprudence, one main object is that punishment should be inflicted so as to produce the most direct and immediate correction and amendment of the offender, we have to inquire into the probable moral effects of a system where the officers and prisoners are in a constant state of antagonism. The one eagerly on the watch to prevent conversation, the other to elude his vigilance by a rapid and subtle commerce of looks and gestures and a

muttering between the teeth, sufficient to convey any amount of mischief.

Thirdly. I will now briefly notice the progress of separate confinement in this country. Though the foundation was laid in 1775, all traces of it appear to have been obliterated, excepting at Millbank Penitentiary, where, from the commencement in 1821, its spirit was preserved, and at Glasgow, where the principle was also taken up in an effective manner in 1824. It is very doubtful, however, whether after the lavish expenditure in the erection of prisons adapted for a system of classification, it would have been possible to have rescued separate confinement from oblivion, had it not been kept alive and eventually adopted by earnest philanthropists in America, some thirty-five years ago, and become there the subject of a great and almost bitter controversy with its rival, the silent system. Public attention thus became directed to the scene of the contest, which led to Mr. Crawford's being sent to the United States from England, in 1836, to inquire into the subject. At the same time we find MM. De Beaumont and De Tocqueville visiting the prisons in that country, and the separate system warmly advocated by MM. Moreau, Christophe, De Metz and Blouet in France, Dr. Julius and M. Mittermaier in Prussia, and M. Ducpétiaux in Belgium, Varrantrapp, David, and others, lending their powerful aid. It is to these eminent men that Europe is mainly indebted for the advocacy of enlightened views on the subject of prison discipline. In England, the conclusive arguments in favour of the principle and moral effects of separate confinement, advanced in the Reports of Messrs. Crawford and Russell, who had been appointed inspectors of prisons, led to Lord John Russell issuing a circular to the magistrates, in 1837, calling their attention to its advantages. This was followed by the passing of an important Act in 1839, (the 2nd & 3rd Vict., cap. 56,) which contains a permissive* clause to render it legal to adopt the separate confinement of prisoners.

It was, however, an express condition that no cell should be used "for such purpose, which was not certified to be of such a size, and ventilated, warmed, and fitted up in such a manner as might be required by a due regard to health." Also, that a prisoner should be furnished with the means of religious and moral instruction, with "books, and labour, or employment." These were the first substantial steps taken in England, since 1775, for establishing separate confinement. No prison in Great Britain, excepting, perhaps, that

* II. And be it enacted, that so much of the said Act of the Fourth year of King Geo. IV., as provides that no classification of prisoners shall be made inconsistent with, or contrary to, the classification directed by that Act, is hereby repealed.

III. And be it enacted, that, in order to prevent the contamination arising from the association of prisoners, in any prison in which rules for the individual separation of prisoners shall be in force, any prisoner may be separately confined during the whole, or any part, of the period of his or her imprisonment, under the restrictions hereinafter provided.

at Glasgow, was of a construction to enable magistrates to take advantage of the clause referred to. Lord John Russell, therefore, determined on the erection of a model prison at Pentonville, and its construction was confided to my superintendence.

The first stone was laid on the 10th of April, 1840. It was completed in December, 1842, and the following commissioners were appointed by Secretary Sir James Graham, to work out the great experiment: Lord Wharncliffe, President of the Council; Duke of Richmond; Earl of Devon; Earl of Chichester; Lord John Russell; the Speaker of the House of Commons; Sir B. C. Brodie, Bart.; Dr. Ferguson; Major Jebb, R.E., Surveyor-General of Prisons; William Crawford, Esq., Rev. Whitworth Russell, Inspectors of Prisons.

I cannot better express my own opinion of the moral results of the discipline, than by the following quotation from the Fifth Report of the Commissioners, dated 10th March, 1847.

"We concluded our Third Report by strongly urging the advantage of the separation of one prisoner from another, as the basis and great leading feature of all prison discipline." "On reviewing this opinion, and taking advantage of further experience, we feel warranted in expressing our firm conviction, that the moral results of the discipline have been most encouraging, and attended with a success which we believe is without parallel in the history of prison discipline;" and in conclusion, it is given as their deliberate opinion, that "the separation of one prisoner from another is the only sound basis on which a reformatory discipline can be established with any reasonable hope of success." Mr. Kingsmill, the late chaplain of Pentonville, thus speaks of one of its effects: "the influence of this daily worship, and reading of Holy Scripture, is more conducive than, perhaps, anything else, in preserving the social feelings, and in promoting peace, good order, and respect for authority. It is the means of civilization to the rude and untutored, as well as salvation, I trust, to not a few."

How frequently do we see a great principle appear for a moment, and then fall back into obscurity, until some accidental circumstance causes a revival and general acceptance. What a variety of friends and opponents appear in the field before success is attained. It is so with the question of separate confinement. Adopted and in progress in England, it is overborne by the force of events, and sinks into obscurity. The nation is led astray by an "idea"—flounders into a wrong principle, and the old light breaks in upon us from America; and, with our brethren there, I trust we may go hand in hand in its complete development.

The satisfactory progress of this experiment, and the confidence of the public in the Commissioners, under whose superintendence the experiment at Pentonville had been conducted, led to a very general desire for its adoption throughout the country; and, within a very few years, many prisons which had been but recently erected at a great expense for a classified system, were altered, and many

others of much importance had been erected. At the present time, there are from 12,000 to 13,000 cells in different counties and boroughs, all of a uniform and improved construction, after the model at Pentonville. But with all these means for establishing a uniform system of discipline in the ordinary prisons of the country, (and it is to this point I would desire to direct particular attention,) there is yet a great want of uniformity.

To establish the principle of separate confinement as a basis of discipline is well deserving the serious attention of all who are interested in the administration of the law. To say nothing of its deterring power, the mind of a prisoner in separate confinement is usually in a state peculiarly accessible to the influence of religion. The monotonous solitude of the cell almost necessarily induces reflection, and a retrospect of the past will naturally awaken some uneasiness, if not compunction and repentance. If, under such circumstances, the prospect of an unknown future, or the recollection of some long-forgotten religious truths, force themselves upon his mind, the message of God's mercy, contained in the Gospel, is the one effectual means of relieving him from the torments of fear and remorse. Experience has shown that some prisoners would have been driven almost to despair, if not insanity, had they not received the consolation of religious instruction when they first began to look back upon the past, or forward to the future. Well, therefore, may the Commissioners of Pentonville have concluded that this form of punishment is eminently calculated to secure one great object of criminal jurisprudence, namely, the reformation of the offender.

I would now briefly direct attention to the practical questions which require discussion, with a view to the more general adoption of separate confinement.

First. It will be for the Government and Parliament to determine whether the time has not now arrived when there shall be as much uniformity in the administration of the Law in County and Borough Prisons, as there is in the Convict Prisons. In order to promote or secure uniformity, it would appear desirable to consider whether the permissive power to adopt the separate confinement of prisoners contained in the 3rd clause of the 2nd & 3rd Vict., cap. 56, should be rendered compulsory. Apart, however, from this, it requires to be determined, secondly, in what way a sentence of hard labour, in separate confinement, can be most effectually carried out.

This is an important and difficult question in its connexion with penal administration, and it is one on which great variety of opinion will be likely to prevail, according to the point of view from which discipline is regarded. My opinion is, that the most remunerative work is that which is best calculated to prevent a prisoner from again entering upon a course of crime; for, setting aside the moral question, it will be found, that excepting under the very favourable circumstances of public works, no prison in this

country can be made self-supporting. In this matter, the two most important points to consider are, whether the labour shall be of a penal and deterring character; or more in the way of industrial training, with a view to promote moral reformation and to aid a prisoner, on discharge, to earn his own livelihood. As an illustration, I will assume it to be determined to enforce separate confinement as a basis of discipline, for all sentences not exceeding twelve months; the question will arise, how is an average sentence of, say three months', hard labour to be carried out? Is it to be on the treadwheel, divided into compartments, or at a crank, at shot drill, or other unproductive hard labour of a penal character? Or is employment at a trade, in a separate cell, to be substituted for it? The Gaol Act (4 Geo. IV., cap. 64, sec. 5) provides that, "due provision shall be made in every prison for the enforcement of hard labour in the cases of prisoners sentenced thereto, and for the employment of other prisoners." And it is further enacted, in clause 8, "that every prisoner, sentenced to hard labour, shall, unless prevented by sickness, be employed so many hours in every day, not exceeding ten, exclusive of the time allowed for meals, as shall be directed," &c. The select committee on prison discipline, of 1850, in their comprehensive and valuable Report, state in Resolution 13, "that hard labour is not incompatible with separate confinement;" and the 25th Resolution is "that provision ought to be made in every prison for enforcing sentences of hard labour." Thus confirming, by their opinion, the value of the enactment of the 4th of Geo. IV. cap. 64.

All this points to the enforcement of distasteful hard labour in order to deter. On the other hand, if the reformation of a prisoner were the sole object to be attained, penal labour should be abolished, and the principle laid down by the Commissioners of Pentonville be acted upon. They state in their Report for 1843 and 1844, "trades are taught at Pentonville prison with a view to the effect which such instruction will have upon the physical, moral and intellectual condition of the prisoners. It is intended thereby to form proper habits."* It might be contended by the promoters of purely penal systems, that the reformation of any number of prisoners, even if considered practicable during a short sentence, would never be regarded in the light of exemplary punishment, unless the discipline to which they had been subjected had some forbidding features in it. Again, if the object were to combine punishment and reformation, a continuance of penal labour, month after month, to the exclusion of employment, though it might be calculated to deter, would not reform. And to the advocates of reformation to the exclusion of punishment, it might be said, that the attempt to reform during

* It must be remembered that this principle, advocated by the Commissioners, was more immediately applicable to the peculiar conditions with which they had to deal, viz. prisoners undergoing sentences of eighteen months' separate confinement as a prelude to transportation.

sentences extending from a week to a few months would be almost a hopeless task.*

These are all practical considerations, requiring a solution, and so far as I am enabled to form an opinion, cannot be brought within the operation of any general rule, or be otherwise dealt with than according to the antecedents and conduct of an individual, and the duration of his sentence. The subject is one with which I happen to have some acquaintance, from having had the responsibility of organizing, and, for the last eighteen years, of superintending the discipline of the prisons for military offenders. In a Report laid before Parliament in 1850, I hazarded the opinion that the introduction of gradations in punishment or successive stages of amelioration might be adopted with advantage in county prisons; I said, "Whilst advocating a stringent and repressive system of discipline for all short periods, I am no less impressed with the advantage of encouraging good conduct by the hope of reward." In the generality of cases, no reasonable expectation can be formed that a prisoner's character can be reformed by instruction, or other ameliorating influence, during very short periods of confinement; but if such cases be disposed of by enforcing strict penal discipline with a view to deter from crime by the fear of its consequences, the principle of gradation will provide, during longer periods, such progressive remissions as will afford encouragement to the well conducted prisoner, leaving the severity of the discipline to fall on reconvicted prisoners, and those who are least likely to profit by industrial training. The discipline in the military prisons (where the duration of the sentences may be taken, on an average, at sixty days) is conducted on this principle. Three classes are established, admitting of the promotion of well conducted men from one class to another. This, by operating on their hopes in the way of encouragement, and on their fears also, has a very beneficial tendency. The dis-

* A wide difference exists in the remunerative labour of prisons when applied within the walls, where the choice of employment is necessarily restricted, or under the qualified freedom of public works, where unskilled labour affords the opportunity of profiting by the services of all. At Pentonville, our best separate confinement prison, the earnings are about as follows:—

Tailors	each	£5 to £6 per annum.
Shoemakers	,,	10 0 0 ,, ,,
Matmakers	,,	5 0 0 ,, ,,
Weavers	,,	£8 to £10 ,, ,,

The average total expense of each prisoner being about £30 to £35 per annum.

At Portland, Portsmouth and Chatham:—

	Per Day.	Per Annum. (300 Days.)
Carpenters	2*s.* 6*d.*	£37 10*s.* 0*d.*
Painters	2 6	37 10 0
Bricklayers and Masons	2 6 to 3*s.* 0*d.*	37 10 0 to £45 0*s.* 0*d.*
Smiths	2 6 to 3 2	37 10 0 to 47 10 0
Quarrymen	2 2 to 2 8	32 10 0 to 40 0 0
Ordinary Labourers	1 3 to 1 6	18 15 0 to 22 0 0

The average total expense of each prisoner being about £35 per annum.

tinction in the classes, though trifling, is sufficient to secure a persevering effort to gain promotion, and though, as a whole, the discipline is of a stern and repressive character, it has been successfully carried out. A comparison of the number of sentences previous to the establishment of military prisons, and at the present time, affords a very favourable indication of the effect of this system.

In 1843, the number of soldiers imprisoned at any one time under sentence by court martial, in civil prisons, exclusive of those who might be in confinement by order of commanding officers, was in the ratio of 20 in 1000; and at the same time the number of corporal punishments amounted annually to about 5·2, making together, 25·2 per 1000. In 1860, the average number in confinement under sentences by courts martial were 6·7 per 1000, and the number of corporal punishments were 2·9, making 9·6 as compared with 25·2 in 1843—altogether affording evidence that the discipline has been effective for its object.

During the longer sentences of penal servitude, as has been explained in another paper, this system of encouragement by successive stages of discipline is much more fully developed. The loss of liberty during a long period being of itself sufficient as an exemplary punishment, the penal character of the hard labour may, therefore, be safely effaced from the system, and give place to instruction, industrial training, and encouragement to do well. During very short periods, however, as already observed, no reasonable expectation can be entertained that a man can be reformed; and if measures be not taken to deter, the opportunity of making an impression is lost. The common sense practical view appears to be that, when the character and antecedents of any individual prisoner afford ground for hope, and the term of his sentence will admit of instruction in a trade likely to be useful to him on discharge, the objects of his imprisonment will be promoted by industrial training; when the contrary conditions have to be dealt with, the effort should be made to deter by penal labour and other measures of a repressive character.

One word about short sentences. It will be generally admitted by persons of experience that a continuance in a career of petty crime, leading to more serious results, is fostered and encouraged, not only by omitting to give the fullest effect of which they are capable to sentences of imprisonment, such as they are, but, that the sentences are generally too short for securing either of the objects to which prison discipline is directed. You cannot reform and you fail to deter. One reason why short sentences are given, is, that the low diet laid down in the regulations for the shorter periods, is so entirely distasteful to rogues and vagabonds, that such sentences are justly considered as being of a more deterring character than the longer ones, during which a more generous diet is requisite. Many a prisoner, on hearing that he was to have a fortnight with hard labour, has thrown himself on the mercy of the magistrate to give him a longer sentence, not with a view to profiting by the

A Visit to the Female Convict Prison at Mountjoy, Dublin. *By* ANNE JELLICOE.

AMONGST the social reforms that distinguish the latter half of the nineteenth century, a prominent place may well be claimed for a system of penal discipline, which, from lazar-houses of moral and physical corruption, where, if the criminal were not previously irreclaimable, it was miraculous if he did not become so, has converted our prisons into reformatories, out of which the liberated convict issues, so to speak, "clothed in his right mind," to become an assistance instead of a burden to the State. In the brief sketch about to be given of the beneficial effects accruing to Irish female convicts from the inauguration of a new era in their treatment, nothing can be attempted but an outline of the principle on which the system is based, a sketch of the course pursued with the offender in order to arrive at the ends proposed, and a passing mention of some additions rather than improvements, tending to increase the efficient working of the plan.

other methods of penal management have been fused by a powerful and original intellect into a correctional mechanism which has gained the admiration of all unprejudiced minds.

When, in 1853, the practice of purifying this country of crime by pouring out our refuse on other lands was reluctantly abandoned, the disposal of convicts became a serious dilemma. Captain Crofton, having laid before the Government a sketch of a new system of penal discipline, undertook to solve the difficulty, and, with Mr. Lentaigne, a gentleman who has always taken a deep interest in the improvement of female convicts, commenced the arrangements for carrying out his views. Up to this time a portion of the Richmond Prison was allotted to women under the sentence of transportation, who were usually drafted into it from the common gaol six months prior to embarkation. Transportation having ceased, the prison became crowded, and a temporary depôt was formed in Cork during the building of Mountjoy.

This prison, situated in a healthy locality, is constructed partly on the plan of some English prisons, with various improvements adapted to differences in the mode of treatment administered. The portcullis, through which the visitor enters the outer yard, accommodates the male portion of the population—a gate-keeper, and two guards. The erection of a new hospital now rather disturbs the neatness of the court-yard through which the visitor passes to the body of the prison. The outer offices are appropriated to the use of the lady visitors, chaplains, and the staff of matrons and assistants, all of whom are respectably dressed in black, according well with the surrounding associations, and setting an example of simplicity in dress much needed by the younger portion of the prisoners. The active, cheerful, energetic superintendent, Mrs. Lidwell, here takes possession of the order of admission, and you may then receive a lecture on "classification" from the lady in charge of the books, and can inspect the sorrowful registry of crime, and look hopefully on the cheerful records of amendment. A complete history of each prisoner, from the day of conviction, with particulars of former crimes, is entered in one of a formidable array of books, kept with the utmost precision.

Quitting this region of facts and figures, you pass through the great glass door of the prison, and dazzled by the brightness of the interior and its exquisite cleanliness, it requires an effort to remember that over four hundred of these outcasts of the people are here expiating their offences against society. Four wings, each containing three tiers of cells, are connected in the centre by light bridges or balconies of iron; from these the superintendent can overlook the galleries and see the matrons on duty. Each matron has the care of thirty-three on the lock-up classes, and twenty-five on the advanced. She has also to keep a journal, work-book, and record of conduct of each individual of her class. This must be countersigned weekly by the superintendent, and copied into the registries. The prisoner is thus made aware how much her own

welfare depends on her good conduct; her power of self-control is strengthened, her temper becomes calmer, and her own sympathies are quickly enlisted in the efforts made for her reclamation. An essential part of the training is the lectures or explanations given to the women on the nature of classification, and the means by which an improvement in their condition is attainable, The superintendent herself instructs the matrons in this duty, and the plan has been found most successful in awakening the intelligence of the criminal. The periods both of probationary and intermediate treatment of the female convict are passed through in this single prison, and in most cases the portion of time remitted by ticket of licence is spent in the Refuge; in consideration of the greater susceptibility and weaker bodily fibre of women, four months only of separate confinement are allotted to them, which can be prolonged if the prisoner shows a disinclination to improve. Such instances are, however, rare. In the next step (the third class) she is permitted to sit at the door of her cell for a certain period each day, under the care of the matron. She begins to receive "marks," of which she may obtain nine monthly—three in discipline, three in industry, and three in school. Another class must be gained before she reaches the associated stage, where the prisoners work together, but still sleep alone. In each of these gradations the marks increase proportionately in money value and freedom from restraint. The advanced class is the highest into which those eligible for the Refuge are drafted, to be again sub-divided for laundry work, &c., as a further test of industry. Marks cease here. The reward eagerly coveted by all is the being selected for the Refuges, the lady managers having the right of selection.

All the prisoners take regular exercise, and attend prayers morning and evening, as well as divine service on the first day of the week; and as a proof of the power of moral supervision, the visitor may perceive that the divisions so necessary in prison chapels are here done away with, each class occupying its allotted seat, at the end of which the matron on duty is seated. In passing through the progressive convalescent wards of this moral hospital, the school-rooms present a very interesting spectacle. Mingled with younger and more hopeful countenances, faces from which every vestige of the old seal has been effaced look up at you from the treadmill of the alphabet; all seem anxious to try; school becomes daily more prized, and, even when little progress is made, is a relief from moody thoughts and morbid imaginations. One venerable old dame, long the terror of the poultry yard, confessed she could make no hand of the reading, but triumphantly pointed to the badge that testified to her industry and good conduct.

A little colony of infants, poor prison flowers, to whom even the air of a gaol is pure, if compared to that from which they have mercifully been taken, flourish in a corner of their own; children

should be sorry to see exchanged for the workhouse school, although poverty is there the only imputed crime.

Those who imagine from what has been said that this prison can, by any means, be reckoned a paradise for criminals, are widely mistaken; on the contrary, the deterrent principle is in full force there; the regularity, the restraint, the plain diet, (not even a cup of tea,) are regarded with wholesome dread, as the ladies who manage and superintend the Refuges can testify. The utmost punishment that can be inflicted by the superintendent is three days' incarceration on bread and water; severer measures rest with the directors.

Not the least remarkable feature in this labour of love is the gravitation (if I may so call it) to its promoter of persons willing and able to carry out his views. Those who know how difficult such a selection is will appreciate this. The devoted lady visitors, the zealous superintendent, the efficient staff of matrons, the very humblest officer—all seem animated by his spirit and inspired with confidence in the system. In this great reformatory work the true balance of power is fully admitted. Men and women work harmoniously and helpfully, combining in due proportion the masculine element of power and the feminine prerogative of influence by love.

It can easily be understood that the disposal of criminals on discharge, no matter how good may have been their prison character, must in all cases be a difficulty. If this necessity exist in the case of men, much more it holds good where women are concerned, whose helplessness, even under the most favourable circumstances, society fosters and accepts, but seldom thinks of protecting. Refuges, in which the reality of reform can be tested by relaxation of prison discipline, and where the individual can be placed under conditions approaching in some degree to those of family life, are requisite to inspire confidence, and induce the public to take that necessary part in the completion of the cure—the employment of the reclaimed convict. For want of such Refuges, many a young woman committed for a slight offence, has ended her career in a condemned cell. A mere Government institution does not offer the same advantages as the voluntary system of management; the stain of the prison would still adhere to the inmates, and the same difficulty, very little modified, would be felt as on discharge from the convict depôt.

Two Refuges, on the most desirable plan, have been established in connexion with Mountjoy. In the Protestant Refuge the number of inmates rarely exceeds ten, who are employed in laundry work principally, at which they earn a high average of wages, even compared with free labour, and a portion of their earnings is laid by and added to the money accumulated for them in the prison. With all this hard work, the dietary, though better than prison fare, is not so good as can be procured by the same class of workers outside. The women can generally be provided with situations, but prefer to remain the full term. So successful has been the management, that in only one instance has it been necessary to re-commit an individual; and in only seven cases out of every hundred who have passed

through both Refuges has there been a re-conviction. The inmates attend the parish church, not in a body, but merely as individuals. The lady patronesses watch anxiously over the temporal and spiritual interests of the women, who are very grateful for their care. Means of emigration, for those who have gone through the term of imprisonment and Refuge, are earnestly desired by the managers of both the establishments. The money they have earned is often applied in this way, with a little additional help; and the hope of a new country in which they can begin life afresh, sadder yet wiser women, is a strong stimulus to exertion and self-denial.

The inadequacy of three years' seclusion for the habitual offender is strongly felt, and is especially dwelt on by the superintendents of both prisons and Refuges. Mrs. Lidwell, in her last report, states: —"My experience leads me to approve highly of the long sentences now given; short terms can effect very little for the reformation of prisoners. The knowledge that a considerable period of restraint must be undergone helps to substitute, in a woman's mind, a disposition to submit to necessity for tendency to hypocritical good behaviour that a short sentence might tempt her to. A long sentence helps to wean her from the evil associations to which she may have been exposed; it gives her time for reflection upon the folly and wickedness of her past life, and more thoroughly accustoms her to the good habits enforced by prison restraint. I look upon sentences of considerable length as absolutely necessary to secure anything like a general reformation amongst the prisoners, while short ones I regard as having a decidedly mischievous tendency."

The number under training at the Roman Catholic institution permits a greater variety in the character of the occupations. Domestic work of all kinds, rearing of fowls, milking, cooking, and washing, on a considerable scale, are all vigorously carried on. The dress of the women is cheerful, and the well-being of the inmates is promoted in every way. One of the young women was receiving advice, after committing some breach of discipline, from the gifted superintendent, Mrs. Kirwan, when last I visited the Refuge, and her expression of shamefacedness struck me forcibly. There was none of the brazen look of the habitual offender glorying in her shame. Mrs. Kirwan's frank, motherly nature, active mind, and acute intellect, admirably adapt her to deal with a class to whom deception and idleness have become second nature.

These Refuges afford the opportunity of doing for these joint-heirs with us of immortality, what has been so abundantly done for ourselves. Here they can be striven with as women—by women won by love to the paths of virtue and respectability, made to feel that justice can be tempered with mercy, and established in a position where the fires of temptation may rage less fiercely and fatally around them.

The fundamental principle on which the whole mechanism rests is one which must be acknowledged, by all who have studied the causes of human degradation, to be the only sound basis of permanent

reform—the intelligent co-operation of the individual herself in the efforts for her own amendment. By placing a premium on qualities totally different from those which led into crime, the system gradually accustoms the prisoner to the loosening of the moral swathing bands by which she was at first restrained, and, by infiltrating, as it were, habits of industry, self-denial, and *self-respect*, without which no woman can be reclaimed, places her in circumstances to secure herself from a relapse into crime. To so comprehensive an aim is added the elevating influence of religion.

The words of Jules Simon may fitly close this subject:—"Si le savant et le philosophe ont besoin, pour s'intéresser aux devoirs de la vie et aux peines qu'elle impose, de se rappeler les volontés et les promesses de Dieu, nous comprenons ce que cette douce espérance, soit pour le simple et l'abandonnée."

Duties of Prison Officers. By W. D. Meaden.

It is to be expected that difficulties should occur in the practical management of a prison. Too many think the prisoners are in some way managed according to written rules, and that, in the application of those rules to their individual cases, but little experience is wanted on the part of the governor. That subordinate officers obey his commands, in the spirit and to the letter, is taken for granted; hence many events occur for which the public cannot account. It should be remembered that a governor rules through his subordinates. The effect on the prisoners of the governor's rewards or punishments will much depend on the manner in which his orders are carried out. Not that every order is not exactly stipulated; but there is a spirit in which everything is done, and the spirit of doing it will depend on the character of the agent.

The difficulties of governors have always been with the officers. After long experience, I find my real task is with them. Many after their appointment assume over the prisoners an air of superiority, which proves irritating and galling to men under their charge, and often leads to punishment, or occasions disputes delicate for the governor to decide. It would be impolitic for him to pronounce openly for the prisoner, yet, in fact, many decisions are to this effect. The governor must discriminate when a charge is preferred: if the prisoner be in fault he is admonished in the officer's presence, if the officer is in error the height of imprudence would be to blame him in the presence of the prisoner. Such a course would deprive the officer of that influence without which his duties could not be properly discharged; and would inevitably lead the prisoner into a course of conduct of which punishment must be the end.

The social status of the officer is inferior to that of many of the prisoners before their incarceration; nor is his education equal to that of a large percentage of those whom he is appointed to super-

intend. Subdued, as they must be, by long confinement, they still compare themselves with their warders; and, claiming superiority for themselves, receive a command with a bad grace, and fail to learn much good from example.

Officers of insufficient moral principle are apt to communicate with prisoners' friends. These communications materially counteract the sentences of the law. In the reformatory system now prevalent in gaols the restricted intercourse with friends is a healthy yet a heavy punishment. When, further than this, forbidden articles are secretly introduced for the prisoner's enjoyment and use, not only the guilty officer is compromised, but all official effort for the prisoner's good is set at defiance, or sneeringly laughed at as useless and absurd.

An ignorant officer will irritate by ordering, multiply punishments, and injure by example the men under his charge; a kind and intelligent man, with no lack of moral courage, will make obedience pleasant; and will preserve in himself, and in others, a good temper and comparatively cheerful disposition, without which teaching and exhortation are in vain.

Would it not then be worth considering, how competent officers could be obtained? For schools there are training institutions. Why not for prisons? If a distinct institution would be too costly, it might be possible to appropriate one prison in the country to educating, lecturing, and training young men for these situations. For better men, better pay would of course be required. If a uniform system of payment were adopted, and a progressive one to incite candidates to excellence, the little extra money might pay good interest by influencing, for good, the thousands of criminals passing through the gaols every year.

THE REFORMATORY MOVEMENT.

On the Essential Principles of the Reformatory Movement. *By* MARY CARPENTER.

EIGHT years have nearly elapsed since the Reformatory Schools Act received the Royal assent in August, 1854, a proceeding of our Legislature which, at the time, was known or noticed by few, but it was hailed with calm joy and deep thankfulness by those who had laboured long and patiently to obtain this charter of principles they held sacred;—and notwithstanding the sneers and misrepresentations of sceptics, they awaited the result with confidence, for they believed that the work was not only founded on principles in accordance with sound political economy, and with human nature, but that it was of God, and must succeed.

of Prisons and Reformatories, the Rev. Sydney Turner, who undertook that office after considerable practical experience in the well-known school at Redhill, of which he was chaplain. The impression left by these reports on the Education Commissioners, is thus stated by them in the report they issued last year (vol. i., p. 413) :—

"Upon the whole, none of the institutions connected with education appear to be in a more satisfactory condition than the Reformatories. We have no recommendations to make respecting them, as, apart from the excellent manner in which they appear to be working, their establishment is still so recent that the time for such alterations as may be required is not yet arrived."

This is, indeed, high commendation, and it is our present object to consider what are the principles which have obtained it, and which enabled Her Majesty's Inspector to make the following important statement, which was quoted by the Commissioners :—

"I am brought, therefore," says he (Report 1859-60, p. 16), "to the conclusion, that the marked decline which can be traced during the last four years in that juvenile delinquency which was spreading so much previously, has resulted more especially from the operation of the Acts of 1854 and 1855, and that the principles which these statutes recognised, and which have ever since been so steadily carried out, may be safely relied on as the tried instruments for the repression and prevention of juvenile crime."

The first principle in the reformatory movement was the establishment and management of the schools by voluntary agencies. This was strongly insisted on by numerous witnesses before the Parliamentary committee, and with a clear recognition of it our first Act opened : "Whereas, Reformatory schools, for the better training of juvenile offenders, have been, and may be established by voluntary contributions, in various parts of Great Britain, and it is expedient that more extensive use should be made of such institutions : be it enacted," &c. The State stands in *loco parentis* to these juvenile offenders, and entrusts the proper training and teaching of them to those who voluntarily undertake the charge, that they may restore these young persons to society as fit members of it. There are no conditions exacted, no regulations prescribed by the Act, any more than a parent would do who places his child in a private school ; but, like such parent, the Secretary of State, before sending his children to the school, satisfies himself, through his inspector, that its rules and regulations and general condition are "fit and proper for their object," and then, from time to time, is informed through such inspection that the work is being truly carried on ; if not, he withdraws the certificate. So strongly was the importance of this principle felt by the promoters of the movement, so jealously did they guard its purely voluntary nature, that a strong objection was felt to magisterial bodies undertaking the management of these schools, gladly as the co-operation of individual magistrates was welcomed. This free action has resulted in a remarkable unity of system, with great diversity of gifts, and views, and ideas in the workers, thereby

testifying to the soundness of their principles. Wherever the schools have not been established under these conditions, but by close and organized bodies, there has been a radical difference in the whole system, and a great deviation from the working which has proved so successful.

The second essential principle of our work is that the schools should approach as nearly as possible to the Family System. On this principle was established and successfully developed the Rauhen Haus in Germany, and Mettray in France, the two prototypes to whose success we mainly owe our own. No school can indeed fully take the place to children of a good family, such as the Creator intended for them; but we must endeavour as nearly as possible to observe the conditions on which it is founded. The numbers must not be too large to admit of individualization, and a family feeling among those who are grouped together. Should the numbers necessarily to be trained in one locality be large, they must therefore be subdivided into small and separate groups. The natural and proper influence of the two sexes on each other in a real family must be carried out in a boys' school by the family of the master, or by such other female influence as can suitably be brought to bear on the inmates. The scholars are not to feel themselves isolated from the world, but so connected with it that when they at last enter it again they may do so with some degree of preparation. All these characteristics of a family have been more or less worked out by the reformatories in general, and the attempt has been made to combine the steady, firm discipline necessary in such institutions, with the true kindness and individual sympathy which should exist in a family. Where this essential principle has been abandoned, it will probably be always found that it is by institutions established and managed by organized bodies, rather than by individuals. Results will prove whether the abandonment of this natural principle is good for the young boy or girl who may thus be secluded, for the most important few years of preparation for the world, from all the natural influences which should surround youth, and from that individual sympathy which is important to it.

The next principle is that which should guide admission into Reformatories. In the first Reformatories it was not the practice to confine admission to those who were legally convicted. Before the passing of the Act indeed, there was, of course, no legal detention, except in cases of young persons sent to accredited schools, under conditional pardon. All other inmates were volunteers, and these were admitted on the simple ground of moral destitution; the schools were moral hospitals. All the inmates were treated alike, and when one by one the sentenced boys dropped in, they were those who appeared to require such refuge, if they were not to be condemned to a life of crime. It was felt to be a serious matter to separate a young person forcibly from his home for a number of years, and an alternative not to be adopted without necessity. What was that necessity? The certainty, or at least strong probability, that his

home circumstances, or past character, or bad associations were such that his course must be thus arrested, if he were to have any fair chance of growing up an honest citizen. We were not anxious to fill our schools, and condemn boys to them. We heard with great satisfaction the Recorder of Birmingham relate, at the Conferences and elsewhere, the plan he so successfully pursued, of committing young offenders to the special care of parents or employers who would be answerable for them, instead of to a Reformatory. In Liverpool, where the reformatory principle was first thoroughly worked, all young offenders whose condition and character were not fully known were remanded for a week, and their circumstances fully ascertained. A little child of seven might be sentenced, as in a case I witnessed, for five years for stealing 2½*d.*, while an apparently much more serious offence by an older boy might be discharged with a caution; there was a moral necessity for the removal of the little boy, a clever child, who already had become the useful tool of a gang of thieves, while his widowed mother was gaining her bread; the offence of the other might have arisen from an accidental temptation, and the present consequences would probably operate as a sufficient future check. These principles may not have been everywhere sufficiently understood in a new movement; many young persons may have been sent to Reformatories on too slight grounds, from motives of simple compassion, for destitution on the one hand, or, on the other, anxiety to fill the establishments provided for them by benevolent effort. I can, however, state, that in the girls' Reformatory of which I have had the management during the last eight years, among nearly 150 convicted girls, scarcely a case could be pointed out which did not absolutely require such treatment. It has recently been proposed by some who have been cognisant of injudicious commitments, to substitute for the fundamental principles on which the reformatory system was founded, the arbitrary regulation that children shall not be sent by magistrates to Reformatories except under special permission of the Secretary of State, unless on a second conviction. Now a first conviction can never be a true test of the actual moral condition or the circumstances of a boy or girl. A boy's first conviction may be the sequel of numerous apprehensions, when his offence was not proved, or he was "discharged with a caution." We could point to the first convicted boy in a Reformatory who boasted of his numerous hairbreadth escapes when, as the captain of a gang of young thieves, he had managed, when before the magistrates, to throw the blame of the offence on his associates, and so time after time escape conviction, while they, comparatively innocent, were sent to prison. We might notice another little fellow, whose head could not have reached the dock, who was sent on a really first conviction for a very trifling offence, and wonder at the magistrates for sending so young and innocent-looking a child, yet we should learn on inquiry that there was a moral necessity for his removal, for his father, living unwedded with his mother, was habitually employing him in systematic thieving, and thus only

could the little boy be saved. If such is the experience of the impossibility of making first convictions a safe criterion for the admission of boys into Reformatories, still less can it ever be so in the case of girls. There may be at times a temptation to send a troublesome boy to a Reformatory, when a little proper effort might place him in a safe position, and enable him without doing so to go on well. But the case is different with regard to girls. There is a natural and proper hesitation on the part of most persons to send a young girl to prison, or even to expose her to the disgrace of appearing in public before the magistrates. Under ordinary circumstances the very fact of this being done will decide the necessity of sending her afterwards to a Reformatory, for her character is gone and a stigma is attached to her which will of itself prevent the probability of her doing well. So accordant is this statement with public feeling, that very few girls are ever sent to the Red Lodge except on a first conviction. In several instances girls have been cautioned and discharged, on the promise of the parent to take more effectual care of them, but this has proved a useless warning. Let us take a few examples of these first convictions. A visitor may notice a child who seems perfectly unable to comprehend what is going on around her; she has a very low cast of countenance, and though not exhibiting the peculiar characteristics of a young thief, her eye wanders in vacancy. She is a new comer, under a sentence of five years. Her mother has never been married, but has seven children, and is living with the father of the last four, a drunken idle fellow, in a room whose chief furniture is a heap of straw in a corner, where all sleep together. This little child of ten had been charged six months before with picking a woman's pocket; the mother had been reprimanded for it, but uselessly. Who could save that child without entire separation from the parents? Surely that bright, open-looking little girl need not have been sent to a Reformatory? She has been there several months, and no indications of a criminal nature have been observed in her. She has a father designated by his own sister as "a drunken brute," and a mother no better; the other children, older and younger, all show a tendency to crime; it is fortunate for this clever little girl and for society that she has committed an act which enables the State to rescue her. That older girl of docile demeanour and quiet serious look, one would have supposed might have been left for a second conviction before she was sent from her home, for her father is a respectable man and would have taken every possible care of her. It was he who anxiously sought this refuge for her, paying himself, as he must do, towards her maintenance. The mother's misconduct had led her into bad company; she had left her home, stealing from it, and took up her abode in a house of ill fame in another town. The father after a time discovered her, and gave her up to justice for the theft, as the only means of rescuing her. Every young girl sent to a Reformatory may have some such sad tale to tell were it known. Let no hindrance be put, we entreat for them, in the way of their rescue. Let

us not depart from the original principle of the movement, before even it is fully understood or developed; and especially, let us not substitute an arbitrary test for a real necessity. If children are unnecessarily sent to Reformatories, let a remonstrance be made where needed. But let us not run the serious risk of undermining the whole principle of Reformatories and undoing our work before it is completed.

The last essential principle to be here considered is, what shall determine the length of time during which a child shall remain under our care? The ground for sending a child to a Reformatory is solely his own reformation and preparation for the world. The length of time required for this cannot be fixed by any general rule, or any magisterial sentence. To send them into the world before they are prepared for it, or when they must necessarily fall into the difficulties from which we have been trying to rescue them, would evidently be wasting all the expense and trouble we have bestowed on them. In some cases the shortest time assigned by the Act, two years, is fully sufficient, while in others, it would be well if the law gave any possibility of permanently removing a young person, either by apprenticeship or emigration, from a parental authority which most certainly will be exercised for evil. The shorter the time in which a youth of sixteen is detained in a Reformatory the better, both for his own sake and the other inmates, and no other motive but his continued unfitness for the world should lead to a longer detention. But prevention is better than cure. If children are early removed from a bad home when they indicate a proclivity to crime, we shall not have the numerous applications we now have for the admission of young persons of fifteen or sixteen. Good as we believe the training given in our Reformatories generally to be, the entrance to them is through the prison, and from this we desire to save young children. The Industrial Schools Act, with the alterations made in the Act of the last session, extended as it now is in time, offers every facility for this, and if its provisions were better understood, the country might be saved a considerable expense in the maintenance of juvenile offenders, and many of these would be preserved from the prison brand. The Industrial schools are indeed what the Reformatories were originally intended to be, homes which should save from the gaol. Were the provisions of the Act better known we should not hear of little boys and girls from ten to twelve being in Reformatories, nor find managers of Industrial schools complain that they have established them to no purpose, as magistrates do not commit children to them, though numbers adapted to them wandering in the streets.

One other subject requires notice. While fully agreeing with Education Commissioners that the Reformatories should be no longer on the original principles before these can have been so roughly tested as to require alteration, yet we need a *supplem* agency, which must be carried out by us, the managers. *Then* some Reformatories it has been found practicable *to conti*

friendly intercourse with the inmates after they leave, yet in others this is almost impossible. And yet, both for the sake of the child and for the means of testing the results of our work, this is most important. The boys and girls whom we send forth from the shelter of our Reformatories frequently want a word of kind advice and sympathy. The mere knowledge that such is at hand is important; they have in general few friends among the respectable members of society, and if they have no one to advise and encourage them, they are in great danger of sinking under difficulties. This is particularly the case with respect to girls, who, when exposed to the caprice and unreasonable demands of mistresses, cannot defend themselves. When they return to their homes, and thence go into service, it is often almost impossible to find their address or even the town to which they have moved. Frequently have my letters of inquiry been returned to me from the Dead Letter Office; frequently have my personal inquiries from ministers and others been unavailing. A recourse to the police has been advised by some. The very idea which such supervision suggests is totally opposed to the position which we desire that our children should occupy. They are not convicts;—they are not going into the world with a ticket of leave;—their past acquaintance with the police should be forgotten, and their having been in gaol should be for ever blotted from the remembrance of others, and from their own, except as a dreadful dream which haunted a night of moral darkness. For all young persons police supervision is most undesirable, but if exercised over girls it would entirely blast their future prospects. They are usually in domestic service, and by families in a respectable course of life the mere fact of a visit from a policeman is regarded as an extreme disgrace, and one to which they would not willingly subject themselves. The girl would often be discharged, and would in vain seek another place. Kind and sympathising as I have always found the police to be when I have sought their aid for the children, I am fully convinced that they cannot and ought not to give the supervision we need. Nor does purely voluntary unpaid agency suffice. Though glad at all times to help my fellow-labourers by inquiries for their children, in my own city, yet my engagements prevent my doing more than keeping up an acquaintance with my own scholars who are located in Bristol, and it would be impossible for me to do more than give occasional help when needed. More I cannot expect to obtain from my fellow-workers elsewhere, and hence I am left in ignorance of my children's position, and am able to render but very meagre reports to Her Majesty's Inspectors, much to my own regret. How is this serious evil to be remedied?

In France M. Demetz has associated with him a "Patronage Society," which extends its agency into every part of the country where scholars are received or to which they return. These do the work required—continue to the youth after his discharge the kind supervision he has received at Mettray and keep up his connexion with his old home.

Such a Society might be thus constituted here in connexion with our Reformatories.

Let a Central Committee of Management exist in London, which should be in connexion with a branch in every large town. Let there be a paid agent in each, who shall have an office to which every discharged child may be directed to apply. Let this agent endeavour to associate with himself voluntary workers who may assist in the visitation of scholars in the town or district, and let this branch be under the responsible management of the subscribing local Reformatory committee of the district. Let each Reformatory wishing to join the Association subscribe, according to its size, an annual sum for the expenses, from which the local agents can be paid, with perhaps one or two travelling agents who may visit the scattered and remote cases. Each Reformatory should then be provided with a list of the agents, and send to each the names of the children to be visited in that locality; he should keep an eye upon them, and report regularly to the managers of each Reformatory. The payment to each agent need not be large, as only a *portion* of the time of a suitable agent need be employed. Such is a slight sketch of a plan which, if well developed, would be of important service to our Reformatories, and to which I respectfully solicit the attention of the managers.

The Reformatory Licence:—Notes on Sec. 3 *of* 20 *&* 21 *Vict. cap.* 55. *By the* Rev. Ishmael Fish.

In a paper which I had the honour to read before the Department at the Dublin Meeting of the Association, I gave an account of the manner in which the boys from the Castle Howard Reformatory were provided with places, and I alluded to the use there made of the licence permitted to be given by Sec. 3 of 20 & 21 Vict. cap. 55. It is to be hoped that the provisions of that clause are now known to every reformatory manager. The more I see of its working the more I am convinced of the value of the principle which it embodies, but I am at the same time more and more anxious that the principle should be freed from the fetters contained in the clause;—that the use of the licence may be greatly extended. Since the date of that paper I have given the licence to eighteen boys; making the whole number to whom it has been given at Castle Howard thirty-eight. One only of this number has returned to the school having behaved badly. Two have returned through circumstances beyond their control, and are about to have the licence renewed. Fifteen are now holding the licence, and the rest have passed the period of their sentence and are in every instance doing well.

A comparison of the conduct, after discharge, of those dismissed after holding a licence, and of those to whom it has not been permitted, will show that every unsatisfactory case has occurred among

the latter. I take it that the self-reliance promoted by the use of the licence is one of the very best securities for the ultimate good conduct of a discharged boy.

My arrangements for the oversight of boys out on licence are these. Where the residence is within two miles of the school, I require a boy to come to the school every week; where it is more than two and not more than five, every fortnight; more than five and under twenty, every month. Where a licence is given for more than twenty miles I make arrangements for renewing it without putting the boy to the expense of coming to the school

In addition to these visits to the school, opportunities are taken to visit the boys at their work, for the purpose of hearing from their employers of their conduct.

As this surveillance of licence-holders involves nearly the whole value of their use, it will not be thought uninteresting to managers of schools to hear how the so frequent visits to the school are kept up. The school continues exactly in *loco parentis* to the licence-holder. It provides for him all his clothes, washes and mends his linen, and furnishes him with all that he needs to make him comfortable and respectable. In return he pays for everything that is done for him out of his wages, the surplus remaining to him as his property. Generally this surplus is placed in the branch of the Yorkshire Penny Bank established in the village, and amounts in some instances to several pounds. The visits to the school are usually arranged so as to include a Sunday, those from the longer distances coming on the Saturday night and remaining until Monday morning. There being now a large number of boys whose sentences are completed, who continue their Sunday visits, we have seldom fewer than ten or twelve visitors on the Sunday. These, of course, take part in our school exercises and accompany us to church. I believe a most valuable influence is produced by this circumstance, by which the visitors themselves are encouraged to persevere in the right path, and by which also the regular inmates are stimulated to greater efforts of good conduct. We have some very happy Sunday meetings of our old friends.

The above-mentioned clause is the only authority for employing our boys beyond the limits of the school; it is, I suppose, the extension of the principle of the "ticket-of-leave" to the reformatory. Whatever may be said against the "ticket-of-leave" of the convict system, it has certainly worked well in the reformatory. But it requires expansion.

The term for which the licence may be given is now limited to *thirty days*. But what is much more serious is, there seems to be no legal power of renewing the licence. Thus, suppose a boy under sentence of detention for five years; after two years and a half he is sent out to live with some employer under licence for thirty days, at the end of that time he must return to the school or be held to be discharged from his sentence. I don't pretend to determine what the exact meaning of the clause may be;

it is sufficient that it may be thus interpreted. We want, I think, these alterations—power to send a boy out before the expiration of half his sentence, power to give a licence for three months, and power to renew such licence as often as in the judgment of managers it is desirable to do so. All these changes were recommended in the resolutions of a much-abused conference of managers held at Hardwick Court last autumn, but so far as I know, nothing has been done to accomplish them. I shall be glad if the Department would recommend to the Council of the Association that they should take action on this matter, by representing to the Government the desirability of consolidating the Reformatory Acts, making these and other changes in the law, or in any other manner they may deem prudent.

THE TEMPERANCE MOVEMENT.

The United Kingdom Alliance and the Permissive Bill. By THOMAS BEGGS, F.S.S.

I HAD the honour to be invited by the Council of the United Kingdom Alliance for the Suppression of the Liquor Traffic, to represent that body in the National Association for the Promotion of Social Science, and to present a paper for the consideration of its members. Perhaps no better use can be made of the time to which the rules properly limit each paper, than to lay down some of the reasons which induce the promoters of that movement to persevere in an agitation for the suppression of the liquor traffic.

It is wholly unnecessary to give details as to the evils of intemperance. They are sufficiently well known. The social reformer, in whatever field of labour he may be engaged, finds that his greatest difficulty arises from the drinking habits of the population. To the economist, no appeal can be stronger than a statement of the aggregate expenditure upon intoxicants. The sum spent upon these articles exceeds the amount of the imperial taxation of the country. If the cost of pauperism and crime, with the loss of interest upon wasted capital, and that upon the productive industry thrown idle and profitless, be taken into account, some idea, but still an imperfect one, may be formed of the total cost of our national intemperance. It may be desirable to present figures that the mind can more readily grasp. I will therefore take the case of Manchester, the capital of the cotton district, in which district distress is so fearful at this time. In the Borough of Manchester, not including its populous neighbour, Salford, the number of houses for the sale of drink is 2,100; and the sum spent upon these places of public entertainment, annually, is not less than £1,400,000. The other populous towns in the district supply about the same propor-

tions of population, houses for the sale of drink, and sums spent in sustaining them. I wish to take this fact in connexion with the distress that is prevailing there. In Manchester, the District Provident Society had relieved 150 families in the week ending February 5th, and this number had increased week by week until it reached, in the week ending May 7th, to 2,408. The number in each family is computed at five. A great number of cases had been dismissed as unworthy. Over the whole district we find facts of the most heartrending description; mills closed, thousands of people unemployed, and bankruptcy and ruin staring in the face those shopkeepers who are dependent mainly upon the operatives for support. In some parts of the district pauperism has increased 250 per cent. In Blackburn the number of persons seeking out-door relief was 2,823 in 1858, but on the 3rd of May in this year, the number had reached to 9,557; the number of persons out of employ in that town being at that date 9,500, or 25 per cent. of the whole population. These figures represent a large amount of suffering.

It is clear, however, that if the enormous sums spent by the population in their periods of prosperity upon intoxicating drinks, were carefully husbanded, an ample provision might be made against periods of adversity and bad trade; and that the people have within themselves a resource against destitution or the workhouse.

Before passing on I would wish to call attention to one very significant fact, which to the minds of some seems to contradict the theories of our political economists. It has been asserted by a class of writers who take perhaps too abstract a view of political economy, and who do not allow sufficiently for the influence of disturbing causes, that increase of general prosperity has a tendency to diminish crime. It is self-evident that profitable employment, with abundance and steadiness in the price of food, are essential conditions to the prosperity of nations. Without these it is impossible that we can, whatever other conditions may exist, secure that prosperity. All true progress depends upon the people being fully employed. But this is only one condition after all; great prosperity and demoralization may for a time exist together, and the experience of all nations and of all times proves what the Temperance Reformer has always said—that abundance of employment, cheapness of food, and high wages, may be a curse instead of a blessing, unless the habits of the recipients are regulated by prudent conduct and self-control. The gifts of Providence may be showered in great affluence, and yet they may be abused and trampled on. As a proof of this, it is a matter of common observation that amongst the most intemperate classes in this country are some of the best paid artisans. It is therefore necessary not only that the impediments should be removed in the way of employment, but that at the same time the habits of the working classes should be improved, and that they should make right use of the means which are placed within their reach. Material prosperity will advance a people, but only on the condition that

We find a remarkable enforcement of this truth, in the present circumstances of Lancashire, and they also emphatically support the evidence of that truly good and laborious man, the late Rev. John Clay, of Preston. I never read one of his reports without finding that he called attention to the fact, that crime did not increase with scarcity of employment, but the contrary—a melancholy truth, to which Quetelet, in his work on Man, had also drawn attention. In one of the reports from Blackburn, in the *Manchester Guardian* of May 12th, I find the following statement: "The position of the unemployed is, of course, getting worse, though it is pleasant to observe a large decrease of crime and police offences. Seven times during the past few months have there been 'maiden sessions' at the Blackburn Police Court, this absolute absence of criminal business being a circumstance scarcely known once in twelve months in prosperous times." In Preston, both now and at the period of the great strike, the same fact was observed—a diminution of crime. At the last Manchester City Sessions, Mr. Armstrong, Q.C., the Recorder, made the following observations: "One matter he wished to call attention to, because it had been observed to him that, owing to the present distress in these districts, he might have an increase in his labours as Recorder. But he did not expect that it would be so; for he had always held the opinion that want itself did not materially add to the number of prisoners committed for crime, unless such want had been induced by wilful extravagance or chosen idleness. He never apprehended any increase of crime arising from the present distress, because it arose from no fault of the operatives, who were willing to work. He rejoiced that the present calamity had not produced an increase of crime, and he was thankful to find that the facts had confirmed his opinion."

These testimonies are exceedingly valuable, as they support the teachings of the temperance societies, and point directly to the appropriate remedy. Would space permit, I could accumulate a large volume of evidence to establish the fact, that intoxicating drinks, and crime, and pauperism stand together in the relation of cause and effect, and that it would be idle to expect, after such a waste of means as those spent upon strong drinks, any other fruits than a destitute and vicious population. It will be at once acknowledged that intemperance is the cause of many evils, and that it aggravates those it cannot fairly be said to produce.

It was to combat this mighty evil that the first movers of the Temperance Reformation began their labours in 1835, and up to this time they have continued with remarkable success to advocate the practice of abstinence from all that can intoxicate. There are several flourishing associations, employing both the platform and the press in behalf of the temperance cause, and there is no town or village in the kingdom but can afford evidence of the efficacy of their teachings. It is, however, my special business to say a few words in behalf of the only association at present existing which labours to secure legislative action upon the liquor traffic. The

temperance societies confined themselves to what is called moral suasion, but even in the first of these societies there were a body of men who condemned the traffic, and who aimed at its suppression. The United Kingdom Alliance is, however, the first association established in this country with the declared object of prohibiting the manufacture and sale of intoxicating liquors. It was only reasonable to expect that a considerable portion of the community would look with surprise and alarm upon such an announcement; but it must be remembered that all popular movements have to contend with the same feelings. The Alliance, however, does not seek any precipitate act of legislation, it desires only to operate upon public opinion as the means to a great end.

It will be convenient, before touching upon its programme, to advert for a moment or two to the facts which may be taken as established. 1st. It admits of no doubt that the principal cause of crime and pauperism is intemperance. 2nd. It is equally certain that wherever intoxicating drinks have become the beverage of a people, similar results have followed. Whatever modifications may arise from difference of race, climate, or other circumstances, still drunkenness follows from the common use of strong drink. All history is eloquent upon this point. Whether we seek the pages of sacred or profane history, or the annals of ancient or modern times, drunkenness has been a vice wherever the use of strong drink has become common. 3rd. It can be demonstrated that the consumption of strong drink is increased by the facilities for indulgence. I could adduce many instances where employers have brought about important changes in the conduct and habits of their workpeople, by prohibiting public-houses upon their property; and others again might be given who complain of deterioration in habit and conduct of those employed, dating from the establishment of some beer-shop or public house in the vicinity of their factories, but with which they had no power to interfere. Examples of this kind are very numerous. Noorthouck, one of the historians of London, said in 1773, "There are villages in remote country places, which can date the commencement of their poor-rate from the introduction of a public-house." There are above thirty parishes in Scotland where public facilities to drinking have been suppressed with great advantage. Mertoun and Legerwood on the borders are instances; while in the neighbouring parish of Earlston, with several whiskey-shops, there is a heavy poor-rate. There is a village, Dingrwic, near Bangor, in which neatness, comfort, and cleanliness prevail. It is said that the population of 800 put by in a saving club £1000 annually. There is no public-house within two miles. If the population of Lancashire had saved in this proportion, there would have been an available fund to fall back upon in this period of adversity and distress. Reflections of this kind flow naturally from the facts.

Believing then that the traffic in intoxicating liquors is productive of a vast amount of injury, for which it compensates in no way, we

the public mind on the subject. For more than 300 years the legislature of this country has been dealing with the liquor traffic, drawing limitations around those who engaged in it, or imposing taxation upon the articles sold. Scarcely a session has passed within the present century but some attempt has been made to amend the licensing laws, and several committees have been appointed by Parliament to make inquiries on the subject. These repeated and, I may add, abortive attempts, are an acknowledgment of the difficulty of dealing with the traffic. All the attempts now made, as well as heretofore, show the great anxiety to abate the evils of drunkenness, and the feeling that the traffic itself was answerable for many of the evils. We ask wherefore all this legislation? If the traffic is a proper one, why surround those engaged in it with so many restrictions? why put them in a position so much more irksome than that of the trader who supplies useful and necessary articles? If the trade is at once dangerous to public morals, and inimical to the general interests, why not give the power to every community to suppress it? We believe that this is the remedy, and that such a measure would be in accordance with sound principles of legislation, as well as with sound morals. We ask the Legislature to pass a Permissive Bill,—a bill that the majority of rate-payers in any municipality or district can, if it so pleases them, make into a law. We do not ask that the Legislature should at once put down all houses for the sale of drink, but that they should give the people in each locality the power to do so. Such a bill is quite consistent with modern legislation in the British Parliament. The Health of Towns Bill gave the power to any community where two-thirds of the rate-payers demanded to be put under its provisions. The Imperial Legislature did not say, even on so vital a question as that of public health, that anything should be done unless the people demanded it. What we seek then is a similar law. If any parish should feel inclined to say, we regard the existence of public-houses in our midst as an evil, then we seek that an assured majority of those who pay the rates should have the power to prevent their introduction, or to remove them. It is a simple and intelligible principle of action; it makes the people at large the guardians of their own interests on a vital point, on the merits of which they are well able to decide.

We might appeal to past legislation in support of a much more stringent measure, as in the case of lotteries and betting-houses. When Mr. Littleton introduced his bill for the suppression of lotteries, he was met by the same kind of arguments that we have to encounter from the press. He was told we could not make the people moral by Act of Parliament. His answer was triumphant, that he did not seek to do so, but only to remove some of the acknowledged sources of immorality, and appealed to the well-known evils of the lotteries. In betting-houses it was again urged that betting could not be put down by Act of Parliament. But betting houses were pronounced to be public nuisances, and accordingly p

down. I venture to affirm that all the evils from lotteries and betting-houses are transcended a thousand-fold by the evils of drinking-houses. We do not seek to make the people moral by Act of Parliament; what we do seek is to remove some of the sources of immorality. We allege that our population, having few opportunities, and surrounded by evils from which it is difficult to escape, have a right to be protected from the temptations which the public-house and beer-shop afford at every corner, and in every by-way. Vast numbers of them live in a condition possessing few of the comforts and none of the elegancies of life. They live in houses defective in all sanitary appliances, and destitute of all sanitary precautions; they work in badly-constructed and ill-ventilated factories and workshops; they toil long hours, and under these adverse circumstances they have to encounter the beer-shop and the public-house. These houses, licensed by law, are too often the successful competitors with the school, and receive the wages which ought to find a family bread. The very properties of the liquors, and the general habits of society with which they are blended, constitute temptations, which, so far as the uneducated classes are concerned, are practically irresistible. We ask, therefore, that the people should have the power to remove, if they so will it, this great source of temptation to the uneducated, and of evil to all.

It is obvious that I cannot enter upon all the arguments that would support and strengthen such a demand as that made by the Alliance. I venture to ask a consideration of their claims, which are stated at length in their published documents. On each revision of the subject I am more satisfied that the object sought is a fair one, and that an interference with the sale and manufacture of intoxicating drinks is legitimate. We are not filled by any Utopian notions of immediate success. We know that the sanction of public opinion must be obtained to any act of the Government aiming at so important a change. We seek then to carry our views especially to that class of men whose function it is to teach the public mind, and from which class also our legislators are selected. We feel satisfied that there can be no more appropriate subject for discussion in any meeting of social reformers, than the means to clear the land of intemperance. It is the giant evil of our time, the great obstacle to improvement. We seek only to advance that work which the temperance societies have so worthily carried on for above thirty years, and which work has been so signally blessed. We are anxious to lose no opportunity of urging upon thoughtful men an attention to the question—what can be done to banish intemperance, and close the flood-gates which it keeps open of vice and immorality? Who can doubt that a national sobriety would in a few years effect a change unparalleled in the history of social and moral revolutions, and, more than any instrumentality within the reach of human means, tend to raise up a contented and prosperous people?

Summary of certain Objections to the Proposed Permissive Bill of the United Kingdom Alliance. By R. M. PANKHURST, LL.B.

THE immediate aim here is not to state what are the right means to effect the end sought to be attained by the proposed Permissive Bill, but to urge objections, both of principle and practice, against the adoption of that particular measure. The Permissive Bill proposes, in order to prevent the excessive use of intoxicating drinks, to prohibit their use (except for medical purposes) by prohibiting their sale. The principle upon which the measure proceeds is, that the public sale of intoxicating drinks being a social act, the right to extinguish that sale by direct prohibitive legislation is vested in society. The fundamental objection to this reasoning, as it seems to me, is, that the assumption of this right is partly a transgression of and passing beyond the limits of civil government, and partly a misapplication of its legislative powers. In support of this position the following considerations are submitted.

Civil government carries on its work by means of the creation of rights and the imposition of duties. These rights and duties respectively are so many limitations of the liberty of the individual, and are enforced by legal pains and penalties. Now the assertion is that society is not justified in so limiting the liberty of the individual, as to arrogate such a right or impose such a duty as is necessarily involved in the Permissive Bill, because part of the evil sought to be thereby suppressed is not properly the subject of direct legislation as being the conversion of a purely moral duty into a strictly legal one. On the other hand, such portion of the evil undertaken to be exterminated by the bill as ought to be dealt with immediately by law, may be brought under distinct legal action in a manner not open to the present objections. It should be stated that the question is not whether any other measure is right and expedient, but whether this particular one is so; nor again is the character of the bill affected in principle by its being in operation imperial or municipal, or by its being applicable through the medium of a numerical majority however constituted. Therefore the arguments against the bill may be distributed into two leading divisions, distinguishing the regions from which the objections are drawn, which may be thus stated—part of the evil to be dealt with by the bill is not properly the subject of direct legislation, arising as it does from the sinful neglect of a purely moral duty, the injurious consequences of which in their essence fall upon the individual himself, and upon which therefore the pains and penalties of the law do not attach; while upon the other part of the evil, springing from a criminal neglect of a strictly legal duty, the injurious consequences of which in their essence fall upon society, legislation can operate in some other way without surrendering the self-protective power vested in the community, and without encroach-

ing upon the rights of the individual over that which is essentially personal to himself.

Let this reasoning be applied to the case in hand. The evil proposed to be extinguished by the bill is that springing from the excessive use of intoxicating stimulants—that of drunkenness. In passing let it be said, that there is at present left out of view the fact that this measure would prohibit that moderate drinking which the present state of public opinion does not pronounce to be an evil to be suppressed by distinct legal action. Now the evil of drunkenness, that is of the simple act of being drunk without more, though a vice so exceeding sinful, immoral and debasing, is yet essentially personal—that is, the act falls within that portion of the life of the individual which he has, so far as the force of law is concerned, the exclusive right to regulate and develope as he may choose or determine. If, however, with a state of drunkenness there arises such conduct or act as inflicts injury upon society by violating assignable rights of individuals or of the community, then legislation ought to and can apply appropriate punishment. For example, if a member of the community will so far degrade and debase his nature as to become intoxicated, and no definitely injurious action ensues of the character just described, then, though all may and ought to deplore and exhort earnestly to a better mode of living, and though society loses so much both by the evil that he does and the good that he does not, yet the law in the shape of the bill may not prohibit and prevent by force and penal obligation. But the injurious conduct of an intoxicated person, where civil rights are violated, instantly evokes the repressive and punitive agency of legislation, and its action might in such a case be intensified a thousand times beyond its present measure without being obnoxious to the arguments now being used.

Take as one circumstance in support of this reasoning the following language of the prohibitionists, "We must put down by law the drinking customs of the country." But a custom properly so called is not part of positive law, and is not therefore subject directly to its action, but is a part of positive morality and comprehended directly within its province. On grounds of jurisprudence this argumentation is conclusive against the bill.

Moreover, it will not suffice to answer that the bill only proposes to extinguish a certain traffic, for its suppression is meant to be the medium of applying direct legislation to the liberty of the individual and constitutes the policy of the measure. It ought, however, to be admitted that though the evil of drunkenness should not be treated as the bill proposes, yet that that evil may be, and perhaps is, of such a character, and may be so circumstanced as to justify certain special and extraordinary legislative machinery—a point presently to be adverted to.

Departing now from the general view, consider the following

of personal liberty, the prohibitionist replies, that this objection to his project is an objection to all law, for all law is a limitation of liberty. The answer is not difficult; for though all law is a limitation of liberty, yet there are limitations of liberty which, as here, no law ought to impose. Again, should the opponent of the bill urge that the less the evil to be cured is the subject of law, the more it is the subject of moral duty and personal and social philanthropy—the prohibitionist exclaims, that all other things having failed, the machinery of legislation, in the shape of a prohibitive Act, is the sole remaining remedy. It is very easy to show that all other things have not failed, for many very simple and useful measures have not even yet been tried. The prohibitionist, however, from the necessity of his position, is obliged to be inspired rather by a love of law than by the law of love.

The bill too sins against the doctrine that the abuse by some is no argument for the denial of the use to others. The prohibitionists, moreover, are not consistent with themselves; for with one section the abuse is what is commonly regarded as such, while with another the very use of the former is to them the abuse.

The prohibitionists are in the habit of dwelling upon the fact of special legislation in the present case, and therefrom inferring their own measure. This reasoning, however, is not sound; for there may be certain incitements to the abuse of intoxicating drinks, and certain inducing accessories prejudicial to the individual and society connected with the liquor traffic, which may indeed justify the State in interfering to modify, and even to restrict within the limits of public convenience, but cannot by any means justify the proposed prohibition. Where peculiar danger arises, there peculiar remedies may be applied, consistent with individual rights and public safety. Do the regulating laws applicable to marine store dealers, and pawnbrokers, and others, imply the right of entire prohibition? Add to this the fact that the prohibitionist is resorting to extreme measures before all moderate ones have been tried and proved failures.

Milton's views are quite in point, and fix the limits of law in the case before us while suggesting the consequences likely to arise from such legislation as that of the bill. "Next, what more national corruption for which England bears ill abroad than household gluttony? Who shall be the rectors of our daily rioting; and what shall be done to inhibit the multitudes that frequent those houses where drunkenness is sold and harboured? Our garments also should be referred to the licensing of some sober workmasters to see them cut into a less wanton garb. Who shall regulate all the mixed conversation of our youth, male and female together, as is the fashion of this country? Who shall still appoint what shall be discoursed, what presumed and no further? Lastly, who shall forbid and separate all idle resort, all evil company? These things will be and must be; but how they shall be least hurtful, how least enticing, herein consists the grave and governing wisdom of a state."

Another ground taken by the prohibitionists is, that the failure of

previous legislation in reference to the liquor traffic justifies their measure. But the failure may be disputed, and if conceded does not constitute a sound basis for their inference, for that failure may have arisen from one or other of the two causes following, or from both combined—either the legislation may have been ill-conceived, or it may have been ill-enforced. This branch of the argument cannot now be considered at length.

The arguments of principle against the bill are assisted by the evils which may be fairly inferred as likely to arise in its working. For, first elaborate and subtle definitions of what should constitute selling would be necessary; next, in order to defeat the attempts at evasion, rigour of punishment would be required; again, in order to establish proofs of the offence committed, a body of informers would spring up; and, lastly, the law being, as it would be, regarded by some as questionable and by others as quite wrong in principle, would be in certain instances systematically violated. All this constitutes a fourfold objection to the bill. Nor does the history of the same kind of legislation elsewhere lend encouragement, for though the testimony is conflicting, yet it is clear that it cannot be said that the expected measure of success has attended similar legal action applied under circumstances greatly more favourable than are present here.

The proposed bill is opposed to the tendency of the best legislation of our time and country, and can find no analogies in existing laws, except such as are either of questionable soundness or of a character not capable, in the interests of true progress, of being safely extended to other regions.

After all that has been said, the strongest argument against the Permissive Bill has not been and cannot be fully expressed—an argument most to be prized, not for the sake of those who make the worst of life, but of those who would have room and range to make the best of it. That argument consists in the instinctive and defiant resistance of wrong done to the liberty of the individual—the stuff of which all true freedom is made—being, indeed, the anger and indignation of the spirit which seize the heart of man everywhere when human means are employed to deprive him of that liberty—given of God—which constitutes his highest privilege and his most solemn duty.

MISCELLANEOUS.

On the Prevalence of Suicide in England. By J. N. Radcliffe.

"SUICIDE," as Goethe has aptly said, "is an event of human nature which, whatever may be said or done with respect to it, demands

anew." I propose briefly to recapitulate the more salient points connected with the prevalence of suicide in England, (including Wales,) referring particularly to the degree of prevalence, influence of age, mode of death, and distribution of the crime in different districts. I shall confine myself chiefly to a simple recital of facts, to the exclusion of any connected discussion of questions arising out of them, bearing upon the prevention or restraint of suicide, because the consideration of these questions is, I believe, most fittingly preceded by an examination of the actual status of the crime in the kingdom; and to such an examination can I alone devote attention in this paper, without encroaching too much upon the time of the Department.

During the five years 1852-56, according to returns published by the Registrar-General,* 5,415 suicides were committed in England, showing an annual average in this period, of 1,029, or 58 to 1,000,000 of the population living, at all ages, and 26 to 10,000 deaths from all causes.

It unfortunately happens that the mortality records of the kingdom, previous to 1852, yield information concerning suicide for three years only—1838, 1839, and 1840. A comparison of the two periods, 1838-40 and 1852-56, leads, however, to certain conclusions of no small interest. In 1838-40 the annual average of suicides amounted to 62 in 1,000,000 population, and to 28 in 10,000 deaths from all causes. It would seem then that in the two periods, 1838-40 and 1852-56, the tendency to suicide was nearly stationary. But it is to be borne in mind, that the statistics of 1852-56 are more perfect and trustworthy than those of 1838-40. Making, therefore, every allowance for such deficiencies as exist in our data, there does not appear to be any sufficient reason for the very prevalent belief that suicide has of late years largely increased in the kingdom.

Again, the belief that England is the favoured haunt of suicide, ("*la terre classique du suicide*," as our neighbours across the Straits politely phrase it,) at one time most popular, but now fallen into the shade or less obtrusive, can no longer be entertained in the face of these figures. The number of suicides in France during the 17 years 1836-52, averaged annually 83 to 1,000,000 population, or 1 in 12,013. In England, as I have already stated, the proportions in the two periods, 1838-40 and 1852-56, were respectively 62 and 58, or 1 in 17,039 and 1 in 16,129 population. But the Registrar-General's returns do not indicate, probably, by one-tenth, the whole number of suicides distinguished as such at the time of death. This imperfection is, however, corrected by the returns of Coroners' inquests made to the Home Office,† and which, on the other hand, from duplicate returns, record a number of suicides in excess of that actually distinguished. The Coroners' returns now extend over the five years 1856-60, and show, for that period, an annual average

* See his nineteenth Annual Report, pp. 170—172.

† See the *Judicial Statistics*, published by the Home Office.

of 67 suicides to 1,000,000 population, or 1 in 14,906; a proportion greater than that yielded by the Registrar-General's returns for 1852-56, but still markedly inferior to the ratio manifested by the returns for France.

A glance at the Prussian statistics of suicide will make even yet more apparent the fact, that England holds but a second or third-rate position in the suicide scale among civilized nations. In 1834 the proportion of suicides in Prussia was 1 in 9,941 population, and in 1843, 1 in 8,081.* In the three years 1850-52 the number averaged 38 in 10,000 deaths from all causes.† France then, as well as England, must yield the sad precedence to Prussia with respect to suicide.

The slight variation observed in the proportion of suicides occurring in this country in the periods 1838-40 and 1852-56 (not omitting even the five years 1856-60, according to the Coroners' returns) contrasts remarkably with the great increase of suicide which has taken place in France within the 17 years 1836-52, and more conspicuously since 1827. In 1836 the proportion of suicides to population in France averaged 1 in 14,207; in 1852 the proportion had increased to 1 in 9,340; and from 1827 to 1852, a period of twenty-five years, the annual average of suicides became doubled in amount, the augmentation having taken place progressively from year to year with but few exceptions.

It is worthy of note, in connexion with a question which is now attracting much public attention, namely, the morality of the army, that the proportion of suicides among our troops on the home stations is apparently very greatly in excess of that observed in civil life. In 1859, 20 ascertained suicides occurred among a strength of 71,715 men in the United Kingdom.‡ The annual average of suicides in England, among 1,000,000 males living at the military age (20-40), during the five years 1852-56, may be estimated approximately at 124·6.§ The army returns of suicide for 1859, among the troops at home, show, however, an annual average of not less than 278·8; that is to say, an average more than double that found to exist among individuals of the same age in civil life, in this country. It is difficult to avoid the conjecture that the causes which lead to so great an amount of suicide in the army (even if this subsequently prove to have been but for the year referred to) may have much in common with those which have given rise to the terrible series of murders recently perpetrated by soldiers.

The number of suicides occurring in the total strength of the Royal Navy, serving in all parts of the world, averaged in 1856, 270·6 to

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* Dr. Morel, quoted by B. de Boismont: "Du Suicide," p. 374.

† Marc d'Espine: "Statisque Mortuaire Comparée," p. 97.

‡ See the Statistical Report on the Health of the Army, for 1859.

§ The annual proportion of suicides to 1,000,000 males living in decennial periods, from the 15th to the 55th year of age, in 1852-56, was as follows:—

15—25	40·1	35—45	138·4
25—35	80·0	45—55	240·0

1,000,000; and the annual average of the three years 1856-57-58, amounted to 166·0 in the same proportion of the force.

The power of resistance against the temptation to commit suicide, in England, decreases, or in other words the tendency to self-murder increases, from childhood until past mid-life. The disposition to commit suicide becomes greatest between the fifty-fifth and sixty-fifth years of age, and the proclivity is greater throughout the decline, than during the prime of life. These facts have a painful significance. More than aught else, perhaps, they point out the cruel and grave nature of the evils from which a release is sought by self-murder. They indicate that suicide is not chiefly the resort of the thoughtless, the weak-minded, the impulsive, or the lunatic; but that it is the refuge mainly of those who are worn out in a bitter and hopeless struggle against accumulated ills. They relentlessly tear off the romance which too commonly is supposed, in one fashion or another, to belong to the act, and exhibit it in the common-place light of a dark and repulsive blur upon every-day suffering.

M. Brierre de Boismont carefully examined the circumstances which led to the commission of suicide in 4,077 cases, and with the following results:—

	Per cent.		Per cent.
Insanity	15·9	Remorse, fear of dishonour or of justice	3·2
Drunkenness	12·9	Misconduct	2·9
Diseases	9·9	Idleness	1·3
Domestic troubles	8·8	Acute delirium	1·3
Chagrin, disappointment	7·6	Jealousy	1·3
Love	7·4	Gaming	1·0
Poverty and misery	6·9	Want of work	1·0
Pecuniary difficulties	6·8	Pride and vanity	0·67
Ennui	5·8	Divers motives	0·97
Feebleness, exaltation, sadness, hypochondriasis	3·5		

Insanity stands foremost in the list, and is the assigned cause of somewhat more than one-sixth of the whole number of cases. Certain other diseases are answerable for about one-sixth; drunkenness for the same proportion; and domestic troubles, chagrin, and wretchedness for more than one-fourth. The remaining instances, also about a fourth, are ascribed principally to mental emotions of various kinds.

Disease, suffering, and misery, are, indeed, the chief factors in the causation of suicide, and the power of resisting the temptation to escape from them by voluntary death becomes less and less from youth to manhood, and from manhood to the wane of life. After the sixty-fifth year, the tendency to self-murder gradually decreases, but even in old age the proclivity is greater than in the prime of life, and as great as in the full vigour of existence. Thus in the five years 1852-56, of 1,000,000 persons living at each of the three decennial periods of life, 25—35, 35—45, and 85—95, 113 committed suicide in the first period, 186 in the second, and 187 in the third.

It is an interesting and most suggestive fact that, according to M. Brierre de Boismont, the tendency to suicide in Paris reaches its maximum from the twentieth to the thirtieth year of life.* This conclusion is, however, founded upon the simple returns of suicides according to ages, and not upon the proportion to the number of individuals living at different periods of life. In the London tables of mortality the ages are arranged in vicennial periods, and in the three years 1858-60, the excess of suicides falls within the twenty years 40-60. By arranging the returns for Paris in a similar fashion the excess of suicides in that city is found to occur within the period 20-40. The maximum tendency to suicide throughout the whole of France is developed within the ten years 40-50.† Hence it would appear that the greatest proclivity to suicide is manifested at an earlier age in France than in England, and probably also in Paris than in London.

Sex exercises a marked influence over the commission of suicide. In this country and in France, male suicides are about two-thirds more common than females.

Of the methods in which suicide is effected in England, hanging is most common; cut-throat and other wounds not caused by fire-arms come next in order of frequency; drowning stands third on the list; poisoning, fourth; gun-shot wounds, fifth; leaping from elevated places (particularly from windows and heights) and into the shafts of mines, sixth; and crushing by a railway train seventh.

Hanging, cutting the throat, and drowning, were the modes of death adopted in eight-tenths of the total number of suicides which occurred in the five years 1852-56. Females have recourse to drowning and poison more frequently, and they seek death by mechanical injury (whether exclusive or inclusive of hanging and strangulation) about one-third less frequently than males. But two cases of suicide by gun-shot wounds are recorded among females, as compared with 213 effected in this manner among males, in 1852-56. Poisoning was the mode of death in one-eleventh only of the whole number of suicides in the period referred to.

The poisons most frequently made use of by suicides are opium in one form or other, but more particularly as laudanum, prussic acid, arsenic, and oxalic acid. Of the suicides by poison in 1852-56, opium or one of its preparations was used in about one-third of the cases, prussic acid in its ordinary saleable state, or as it exists in the essential oil of almonds, in somewhat less than a third, arsenic in about one-seventh, and oxalic acid in about a ninth. It is a

* The same is true also of the Canton of Geneva, according to Dr. Marc d'Espine.

† This conclusion, adopted from M. B. de Boismont's work, rests upon M. Mathieu's tables of the population of France at different ages, published in the

curious fact that while, in the period mentioned, the males had recourse to poison in ten different forms, the females made use of seventeen.

Although death by poison holds a comparatively unimportant position among the methods of suicide, it is not to be overlooked, in estimating the probable effects in the restraint of suicide of greater legislative restrictions over the sale of poisons, that the actual number of suicides by poison constitute only a portion (and probably but a small portion) of the attempts to commit suicide in this manner. It is instructive to learn that the poisons most commonly used by suicides are (as was, indeed, to have been anticipated) those which are best known to the public, and which are readiest of access. It is also not without interest to know that wherever stringent legislative rules for the sale of poisons exist, there the number of suicides from poison diminishes in comparison with those from other causes. Thus, while in England poisoning holds the fourth place in order of frequency among methods of suicide, it sinks to the sixth place in the canton of Geneva, and the seventh in France.

It has been thought by some that even if the restrictions upon the sale of poisons in this country were still greater than they now are, this would be of little utility in the restraint of suicide. For, it is argued, more vigorous legislation would solely have the effect of causing the adoption of some other means of death. This inference is, I believe, contrary to the experience of those who have had practically to deal with individuals suicidally disposed or who have attempted suicide and failed. It is by no means exceptional to find that there is an actual dread on the part of an intended suicide (paradoxical though this may seem) of any other mode of death than that by poison.

There are few facts of greater interest in connexion with the general phenomena of suicide in this kingdom, than those which refer to the comparative prevalence of the crime in different districts. Although the proclivity to self-murder throughout England and Wales is represented by an annual average, according to the highest estimate, of 67 suicides to 1,000,000 population living at all ages, the tendency is not the same in every portion of the kingdom. Thus the annual average of suicides in different counties varies to no less an extent than from 105 in Middlesex to 1 in Merionethshire. In fifteen counties * the tendency to suicide is in excess of the

* Counties in which suicide is in excess of the average of the kingdom:—

	Proportion of suicides to 1,000,000 population.		Proportion of suicides to 1,000,000 population.
Middlesex	105·5	Cumberland	[illegible]
Westmoreland	99·9	Warwick	801
Kent	97·6	Brecon	740
Surrey	95·3	Lancaster	[illegible]
Sussex	89·9	Derby	[illegible]
Leicester	89·2	Chester	751
[illegible]	[illegible]	[illegible]	[illegible]

general average of the kingdom. These counties, with one exception, Brecon, are associated together in groups, forming districts which, for the purpose of more readily fixing the fact in the mind, I have proposed to designate *Suicide-Fields.** I think that I am justified in assuming that the causes giving rise to this peculiar distribution of suicide are of a somewhat persistent nature, since the same districts were characterised by an excess of suicide in 1838-39 as well as in 1856-60.† From the coroners' returns for the last-named period of five years the most recent data on this subject are derived.

Three districts of inordinate tendency to suicide may be distinguished, and these I would name the London, Midland, and Northern Suicide-Fields.

1. *The London Suicide-Field.*—The metropolitan counties of Middlesex, Surrey, and Kent, and the adjoining counties of Sussex and Hampshire, form a well-defined district in which the proportion of suicides (91·5) is considerably higher than that of the whole kingdom.

If (as in the case of the Departments adjoining Paris) the excess of suicides in this district is to be ascribed mainly to the influence of the metropolis, it is remarkable that that influence should be manifested only in the counties south of the metropolis; being confined on the north, north-east, and north-west, within the limits of Middlesex, and on the west not extending beyond the boundaries of Surrey. Paris forms the centre of a vast suicide-field, and M. Guerry has remarked (and his remark has been confirmed by subsequent writers) that, generally speaking, from whatever point of France we start, the number of suicides increases regularly in proportion as we approach the capital.‡ M. Brierre de Boismont states that, "It appears certain that the moral action of the capital radiates from a central point towards the surrounding districts." And again, he writes, "It may be regarded as a fact perfectly established that the number of suicides increases regularly, and in

* See *Journal of Psychological Medicine*, vol. xii., p. 469.

† Table showing the distribution of suicides in the different registration divisions, in the two periods, 1838-39 and 1856-60.

	Annual average cases of suicide to 100,000 population. 1838-39.	1856-60.
(1.) London (Surrey and Middlesex)	10·9	10·0
(2.) South Eastern Counties, exclusive of the metropolitan counties of Surrey and Middlesex	8·4	7·8
(3.) South Midland Counties	5·8	4·4
(6.) West Midland Counties	4·4	5·3
(7.) North Midland Counties	6·8	6·7
(8.) North Western Counties	6·5	7·2
(9.) Yorkshire	5·2	6·2
(10.) Northern Counties	6·5	7·1

all directions, in proportion as Paris is neared."* Marseilles appears to affect Provence and Dauphiné much in the same manner as Paris affects the rest of France.

It can hardly be doubted that the excess of suicides in the metropolitan counties—Middlesex, Surrey, and Kent—is due to the metropolis; and probably the peculiarity of the social relations of London to Sussex, and even Hampshire, may account for the excessive proclivity to suicide manifested in the former county, and for the more than average tendency observed in the latter, as well as for the southerly extension of the baneful influence of the metropolis.

The sea-board of Sussex is, perhaps, the most favoured place of resort of the London population, and it is a significant fact, that of 160 suicides which were committed in the county in the five years 1856-60, fifty-five, that is to say, one-third, occurred within the boroughs of Brighton and Hastings, and the Rape of Hastings—Brighton numbering thirty-four suicides, and Hastings and its Rape twenty-one.

It may be questioned to what extent Hampshire is affected (if at all influenced) by the metropolis. There are probably local causes in operation at Portsmouth and Southampton, which might alone (as in the case of Marseilles) elevate the average of suicides in the county to its present rate. Of 159 suicides committed in Hampshire in 1856-60, sixty-five took place in the boroughs of Portsmouth (35) and Southampton (15), and in the Isle of Wight (15). Still, the intercourse between the coast of Hampshire and London is so intimate and peculiar, that we must not lightly put aside the probability of suicidal infection from the metropolis; particularly as it appears that while the suicides in the borough of Portsmouth form 22 per cent. of the suicides of Hampshire, those of the borough of Plymouth form for the same period but 11·7 per cent. of the suicides of Devonshire, and those of the borough of Liverpool 15·6 per cent. of the suicides of Lancashire.

The great tendency to suicide in the borough of Portsmouth, as compared with other large sea-port boroughs named, relatively to their counties, is remarkable. The suicides in the borough of Kingston-upon-Hull form only 5·1 per cent. of those of Yorkshire: but we should perhaps know the proportion of suicides in this sea-port borough relatively to those of the East Riding of Yorkshire in order to make a legitimate comparison with Portsmouth.

Until 1858, we possessed no very trustworthy data of the number of suicides occurring in the metropolis. Since the commencement of that year, however, suicides have been distinguished in the Registrar-General's Weekly Tables of Mortality, and from these we learn that in the three years 1858—60, 779 suicides were committed in London, being an annual average of 259, or 95 to 1,000,000 population.

II. *The Midland Suicide-Field.*—Leicestershire, Nottinghamshire, Warwickshire, Lincolnshire, and Derbyshire, constitute also a well-worked suicide-field in the midland district of the kingdom. In this field the greatest excess of suicide is found in Leicestershire and Notts, the least in Derbyshire.

III. *The Northern Suicide-Field* is formed by Westmoreland, Cumberland, Lancashire, and Cheshire. The proportion of suicides in Westmoreland is greater than in any other county, with the exception of Middlesex. It is possible that the apparent extraordinary tendency to suicide in Westmoreland and Cumberland may be determined by causes not peculiar to those counties. Both counties, in consequence of the beauty of their scenery, are much frequented from neighbouring districts, and indeed from all parts of the kingdom. It may be, therefore, that the number of suicides (comparatively small as a round number, although large in proportion to the population of the counties) is augmented by instances of self-murder among visitors or temporary residents.*

It is worthy of remark that Breconshire, notwithstanding that it manifests a tendency but little above the average of the whole kingdom, stands conspicuous for an excessive proportion of suicides as compared with the Welsh and neighbouring English counties. The number of suicides in Wales, in the five years 1856-60, averaged annually 29 to 1,000,000 population, but in Breconshire the average was 74. If subsequent returns show that the unusual tendency to suicide in this county is not a mere occasional phenomenon, the term *The Brecon Suicide-Field* may be fittingly adopted.

Among English counties, Rutland and Cornwall exhibit the least tendency to suicide; among Welsh, Radnor and Merioneth.†

But scanty data are accessible by which we could hope to ascertain the probable causes of the peculiarities I have described in the territorial distribution of suicide. Statistics are altogether wanting that would enable us to determine the influence exercised upon that distribution by several of the causes which concur in the production of suicide. Such materials as we possess, bearing upon the question, lead only to conclusions of the most general character. I have hitherto not succeeded in discovering any common relation between the distribution of crime or of poverty and that of suicide; and there does not appear to be any systematic agreement between the counties of greatest tendency to lunacy, and those of greatest tendency to suicide—so far as a judgment can be formed from the returns of pauper lunacy published by the Poor Law Board; the only returns in existence from which an approximative knowledge of the distribution of lunacy in the kingdom can be obtained.

The greatest tendency to suicide is found, for the most part, in

* During the five years 1856-60, the number of suicides in Westmoreland averaged six annually, and in Cumberland 17·5.

† Proportion of suicides to 1,000,000 population.

Rutland	3·6	Radnor	3·1
Cornwall	27·3	Merioneth	1·5

districts which are chief centres of commercial activity, and where the mental, moral, and physical powers are kept in the highest state of tension. This is true of London, of Leicestershire, Nottinghamshire and Warwickshire, of Cumberland and Lancashire, Derbyshire and Cheshire; and the seemingly anomalous positions of Westmoreland, Lincolnshire, Kent, Sussex, and Hampshire, may perhaps be subsequently explained by suicidal infection from the counties first named. But, assuming this, Gloucestershire, Staffordshire and Shropshire, Durham, and Northumberland, and, I believe, also the West Riding of Yorkshire, all localities second to none of the suicide-fields, except, perhaps, the London field, in their commercial activity, and in the turmoil and tension of life in them, exhibit but a slight tendency towards self-destruction.

Differences in the character of the industry of different counties do not, apparently, solve the question. The tendency to suicide is below the average in the purely agricultural counties, with the exception of Lincoln, Kent, Sussex, and Hampshire. In Herefordshire, Nottinghamshire, Bedfordshire, and Somerset, counties in which agricultural pursuits predominate, but in which small manufactures, such as lace-making, straw-plaiting, and glove-making (Somersetshire) are carried on in cottages, and in which immorality and ignorance are great, suicide is also below the average. If we compare the agricultural and mining counties of Westmoreland and Cumberland with the sister counties of Northumberland and Durham, the agricultural and mining counties of Cornwall and Monmouth and the like districts of North and South Wales, we see the two first-named counties ranging to the highest pitch of suicidal disposition, the north-eastern, southern, and Welsh counties towards the bottom of the scale. Of the great manufacturing and mining counties of Lancaster, Chester, Stafford, Derby, Nottingham, Leicester, Warwick, Worcester, Gloucester, and the great manufacturing district of the West Riding of Yorkshire, Gloucester, Stafford, and Worcester, and probably also the West Riding of Yorkshire are found to manifest a much inferior tendency to suicide than the other counties.

In one instance only does a general correspondence exist between the distribution of suicide and the prevalence of an asserted predisposing cause. It is a singularly suggestive fact that there is a marked, although not constant, relation between the tendency to suicide and the state of instruction among a population. If the number of persons who sign the marriage register with marks be adopted as a measure of the degree of ignorance in different counties, it is found that, as a general rule, ***the average number of suicides decreases as the average amount of ignorance increases.***

In France a relation similar to that observed in England also exists between suicide and ignorance. According to M. Lisle, the French statistics of suicide and instruction, for the thirteen years 1836-48, show that suicide has progressively increased in frequency in proportion as instruction has become more diffused in each region

as well as throughout the whole of France.* M. Lisle also cites a series of figures representing the relation of suicide to the state of instruction in different countries, and from which he concludes that, for a considerable period, the frequency of suicide has been in the direct ratio of the state of instruction.†

M. Brierre de Boismont ascertained, from an examination of the degree of instruction in 3,086 cases of suicide, that 25·5 per cent. read and wrote well; 53·7 per cent. read and wrote without orthography, or read without writing; the education was good in 18.5 per cent. only; and 2·1 per cent. were entirely without instruction. Thus it would seem that a very large proportion of suicides have (in common with criminals) a very imperfect education. The reasonable conclusion from this fact is, no doubt, that much of the instruction in vogue is of a very equivocal character, or is exceedingly deficient in the elements of a sound moral and religious training.

In somewhat more than 40 (42·7) per cent. of the cases examined by M. Brierre de Boismont the morality was bad, the individuals having been drunkards, gamblers, or thieves, or lived in concubinage or adultery. The drunkards formed about a fourth part of this class, gamblers a sixty-seventh, thieves a seventieth, those who lived in adultery a nineteenth, and those in concubinage a fifth. "But," observes M. de Boismont, "the proportion of individuals leading a regular life and who have attempted to shorten their days, diminishes singularly, if it be recalled to mind that there are among them a considerable number of lunatics, weak minded and exalted spirits, hypochondriacs, sick, and persons reduced to poverty and misery. It is true, then," he adds, "that the vices and passions exercise an unfavourable influence upon our acts and determinations, and that those who abandon themselves to them have in prospect poverty, a prison, sickness, insanity, and suicide."‡

Here then we find not only a legitimate explanation of the relation which the development of suicide bears to the spread of education, but also a clue to the chief differential element in the causation of suicide.

* Du Suicide, p. 79.

† Ibid. p. 81.

Dr. Farr has remarked that, "There is a general but no constant relation between the state of education thus tested, and the commission of suicide. It may be admitted that there is some relation between the development of the intellect and self-destruction, but the connexion must be in a great measure indirect and accidental. In opposition to the arguments derived from agricultural districts, and labourers in towns [referring to the fact derived from an analysis of the returns of suicide for 1838-39, that the tendency to suicide was greater in indoor than outdoor occupations—among artisans than labourers,] there is the fact that suicide is more frequent among several classes of artisans, than it is among better educated people. If the progress of civilization is to be charged

districts which are chief centres of commercial activity, and where the mental, moral, and physical powers are kept in the highest state of tension. This is true of London, of Leicestershire, Nottinghamshire and Warwickshire, of Cumberland and Lancashire, Derbyshire and Cheshire; and the seemingly anomalous positions of Westmoreland, Lincolnshire, Kent, Sussex, and Hampshire, may perhaps be subsequently explained by suicidal infection from the counties first named. But, assuming this, Gloucestershire, Staffordshire and Shropshire, Durham, and Northumberland, and, I believe, also the West Riding of Yorkshire, all localities second to none of the suicide-fields, except, perhaps, the London field, in their commercial activity, and in the turmoil and tension of life in them, exhibit but a slight tendency towards self-destruction.

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If we refer to the list of assigned causes of suicide which I have already quoted, it is manifest, at a glance, that the act is not either a necessary or a very common result of those causes. They are, indeed, spoken of as *determining*, as contradistinguished from the influence exerted upon the production of suicide by sex, age, civil condition, occupation, poverty or wealth, morality, state of instruction, hereditary transmission, meteorological changes, and climate, which are characterised as *predisposing* causes. It can hardly be doubted that the influence of these predisposing causes, with the exception of hereditary transmission, is, when not manifestly psychical, dependent upon the moral rather than the physical circumstances of life which the terms designating them represent. Of the hereditary transmission of a proclivity to suicide, it may be said that it is of rare occurrence; and even then it is doubtful how far the suicidal propensity is not associated with some other form of insanity, which is in reality the transmitted evil. Young put the question of the influence of climate upon its right foundation, when he wrote:—

> "Blame not thy clime, nor chide the distant sun;
> The sun is innocent, thy clime absolved;
> Immoral climes kind nature never made."*

Suicide is most common in spring and summer, but it does not follow that this arises solely from the meteorological character of the two seasons. Of the remaining predisposing causes, the state of instruction is the most important, for to a greater or less extent it modifies or governs the influence of the rest.

It is not difficult to conceive in what manner defective instruction and a lack of moral and religious training foster suicide, since whatever tends to weaken our notions of the sinfulness or criminality of the deed, will of necessity render man more prone to it. "The suicide," Aristotle wrote, "does not undergo death because it is honourable, but in order to avoid evil;"† and Plato represents Socrates as saying, addressing Simmias, "Do you know that all (except philosophers) consider death among the great evils?" "They do, indeed," Simmias replied. "Then do the brave amongst them endure death, when they do endure it, through dread of greater evils?" "It is so." "All, therefore, except philosophers, are brave through being afraid and fear, though it is absurd that any should be brave through fear and cowardice."‡ The suicide, truly, believes death to be an evil of less magnitude than the ill from which he seeks to escape. This is the great principle which governs the commission of self-murder. No influence, therefore, can be conceived more powerful to hold in check the self-infliction of death, than such as indelibly fixes upon the act the character of an evil far surpassing in gravity any, even

* Night Thoughts, N. Fifth. † Ethics, book iii., c. 7.
‡ Phædo.

Showing the[illegible] Wales, during the five years 1856-60.

COUNTIES.	1856.	[illegible]nual [illegible]re of [illegible]les.	Estimated average population.	Average of suicides to 1,000,000 population.	Annual average of persons who signed marriage registers with marks, 1856-58.	Average to 10,000 population who signed with marks, 1856-8.
	M.					
Bedford	4	2	132,024	62·1	946	70·4
Berks	6	0	174,280	57·3	918	52·4
Bucks	11	2	165,732	55·5	763	45·3
Cambridge	5	3	178,790	31·3	1,123	56·7
Chester	21	4	490,319	72·1	2,803	56·9
Cornwall	8	[illegible]	365,190	27·3	2,228	61·2
Cumberland	14	5	202,352	86·9	633	30·7
Derby	14	5	326,387	72·3	1,337	43·0
Devon	31	5	579,299	64·7	2,511	42·7
Dorset	8	[illegible]	187,316	45·3	868	45·7
Durham	16	5	473,611	54·0	3,169	71·8
Essex	12	1	394,056	49·3	1,703	44·3
Gloucester	23	3	477,488	64·5	2,143	45·0
Hereford	5	[illegible]	121,308	36·3	497	42·5
Hertford	4	1	171,491	52·4	917	52·7
Huntingdon	1	[illegible]	64,260	31·1	349	51·6
Kent	51	4	698,296	97·6	2,486	37·9
Lancaster	136	12	2,309,486	73·0	18,470	82·0
Leicester	14	2	235,271	89·2	1,158	48·1
Lincoln	23	2	410,561	87·6	1,788	41·7
Middlesex	144	15	2,110,009	105·5	6,170	29·7
Monmouth	5		169,493	44·8	1,764	103·0
Norfolk	16	3[illegible]	437,611	57·5	2,483	53·8
Northampton	12	[illegible]	223,118	51·0	1,224	55·5
Northumberland	10	1[illegible]	331,190	47·1	1,477	45·6
Nottingham	16	1[illegible]	286,772	87·1	1,813	71·1
Oxford	5	[illegible]	171,713	51·2	823	47·0
Rutland	1	[illegible]	22,199	3·6	65	27·0
Salop	13	[illegible]	237,412	51·8	1,479	63·9
Somerset	18	11	444,476	41·8	2,171	48·3
Southampton	26	34	458,654	69·3	1,770	40·6
Stafford	26	14	705,218	38·5	6,391	94·2
Suffolk	16	18	336,543	67·7	2,045	58·0
Surrey	61	49	786,402	95·3	2,284	30·7
Sussex	20	23	355,604	89·9	1,107	30·8
Warwick	28	34	535,710	80·1	3,011	58·0
Westmoreland	6	3	60,051	99·9	134	22·5
Wilts	8	6	250,882	49·4	1,121	44·3
Worcester	10	12	398,395	49·5	1,770	60·2
York	73	71	1,815,530	62·2	11,379	59·2
Anglesea	0	1	55,381	28·8		
Brecon	3	5	61,579	74·6		
Cardigan	1	1	71,811	33·4		
Carmarthen	3	2	111,416	21·0		
Caernarvon	3	4	93,323	34·2		
Denbigh	0	3	98,372	24·6	8,299	78·1
Flint	0	2	69,353	23·7		
Glamorgan	3	9	291,979	40·0		
Merioneth	1	1	38,871	1·5		
Montgomery	3	2	67,142	35·7		

the sharpest or bitterest ill to which man may be subjected. Hence the Christian Church, in branding suicide as an inexpiable offence against God, and Christian legislatures, in attaching to it the stigma of an irreparable and disgraceful crime towards man, stamp the act as an evil morally and socially, to which all others which might prove influential in promoting self-murder are, in comparison, petty and insignificant.

A Plan for the Suppression of the Predatory Classes. By William Pare, F.S.S.

In the *Cornhill Magazine* for September, 1860, will be found a somewhat elaborate and painfully interesting article, entitled, "Thieves and Thieving." In the course of it, the writer has these observations :—"Thieving with all its terrors, costliness, and enormity, is a dark streak in the otherwise brightening horizon of modern civilisation. It flits in the portentous shadows of prison walls, and there is a voice from the echoes of every policeman's footfall telling of something bad under the surface of society, and cautioning us to beware of the danger. We never retire to rest without feeling that we may be maimed and terror-stricken in our beds; or waking, may find the hard earnings of honest toil purloined beyond possibility of recovery, by a set of worthless vagabonds who are too lazy to earn their own living; and who, with the cowardly rascality that belongs to them, subsist on the stolen property of others. Will there ever be an end to thieves and robbers? Is there no means of getting rid of this interminable expense, damage, and terror?"

To the query thus put, I venture to answer: Yes, there are means at our disposal to terminate this—one of the great master-evils of civilisation.

The object of this paper is the exposition of the broad outlines of "Plan for the Suppression of the Predatory Classes," that is, of those classes who pursue crime systematically as an occupation by which to obtain a livelihood. It is by or through their instrumentality, that the great majority of crimes against property, whether with or without violence, are perpetrated. And—using the words of Report of the Chaplain of Giltspur Street Prison some years since "let it be remembered that every individual who is drawn into criminal class is like a wild beast let loose upon soci[illegible] tion is, if he can, to plunder anybod[illegible]

in scenes of guilt, poverty, and intemperance." And the writer might have added that they are the more dangerous since they aid, counsel, abet, and comfort one another. Their organization is as complete, perhaps, as that of any other class in society, both in their business and social arrangements. On this head I shall quote a passage from the writer in the *Cornhill Magazine* already referred to, who had unlimited access to the "thieves' quarter" at all hours and under any circumstances; and who, himself a working clergyman, gained the confidence of the criminal fraternity by going, as he says, amongst the thieves with no official purpose, with no literary design; but as their accepted friend, visiting their sick, and sometimes kneeling by the bedside of the dying thief. He says, (and to this I wish to direct especial notice,) "The first thing that drew my attention, was the fraternity or complete organization of the thieves. They select some particular quarter for their residence, and it is no uncommon thing for three or four contiguous streets to be wholly tenanted by them; and these houses are no bad property either, for the thieves will pay almost any amount of rent, and pay it regularly, for the sake of keeping together. The aspect of the thieves' quarter is generally low and dingy, but not by any means so ruffianly as some would think. They are more quiet and orderly than one would expect, for they say it does not pay to make rows in their own territory. Persons regularly visiting these haunts, or residing in them, are compromised in the eyes of the police, and suspiciously watched by these minions of the law. . . . As you penetrate further into the arcanum of the thieves' quarter, you gradually become acquainted with a complete organization and system of things of which the outside world knows nothing, and with which no stranger is allowed to meddle. They have public-houses, shops, tradesmen, lodging-houses, private regulations, an upper and lower class—in short an *Imperium in Imperio*, by means of which they are enabled to carry on their nefarious practices with greater secrecy, security, and success. But such a place," continues this writer, "is a great evil; it is the city of refuge and the Training College for all who aspire to the art of professional thieving, and for those who, from the elevation of honest life, fall to the low level of crime."

Now, the plan which I am about to introduce—originated by Mr. Edwin Hill, the Supervisor of Stamps, and brother of the Post Office reformer—seeks to break up this organization of thievedom *in toto*, to deprive it of home and harbour, and to render it impossible that the organization shall ever again be re-constituted, or a new home and harbour obtained. And this plan, although most repressive, will be anything but violent in its action. Not by a sudden blow, but by a gradual, almost imperceptible though irresistible pressure, will it work; resembling, in this respect, the action rather of the hydraulic ram than of the Armstrong gun.

It will be found, on reflection, that there is one condition indispensable to the successful prosecution of criminal operations, and even to the existence of the criminal class, viz., the power of 'well-

ing amongst those they prey upon. Hence, had houseroom amongst us been heretofore steadily denied to all engaged in criminal pursuits, the criminal class could never have gained its footing: nor were houseage to be now so denied could the class escape falling into speedy extinction. To secure such denial needs only that the harbouring of criminals should become unprofitable; and this would undoubtedly be the case, were the parties who now profit by harbouring them to be saddled (as in justice they ought to be saddled) with the expense that the community at large is now put to in its efforts to repress the criminality they shelter.

Condensed, then, into a sentence, the principle of the plan I have to propose is, that those who are instrumental in creating the burden of taxation incident on the pursuit of habitual crime should be made to bear it.

To this as a principle, I take it, no reasonable objection can be offered: whilst in working it out, it will be discovered, as a result, that the further pursuit of habitual crime—to use a commercial phrase—" will not pay." It will become an unprofitable business to all concerned, and so, of sheer necessity, will be abandoned.

Let it not be supposed that I by any means underrate the many attempts which have been made, and are now making, to diminish crime. The improvement of the law itself, the extension and increased efficiency of the police force, the improvement in prison discipline, especially for convicts, the plan of intermediate prisons found to work so well in Ireland, the reformatory system, which Mr. Baker, in a paper I am about to quote, proves conclusively has effected a vast change for the better among juvenile offenders at least—all these are good, some very good, and should be maintained. I propose not to suppress these, but the master-evil with which they contend. That evil, whilst it endures, is multifarious in its effects and must be met with a combination of appliances, each fitted to some portion of the case, which may share with other concurrent efforts in regenerating society.

Before, however, proceeding to the details of my plan, I purpose to lay before you some reliable statistics of the number of habitual criminals, and the enormous burden cast upon the community by systematic crime.

It is a fact that, until a comparatively recent period, we had no positive and reliable data as to the numbers, the organization, or the *habitat* of the criminal classes. And yet—to use the words of Mr. Baker, of Hardwicke Court, Gloucester, in a paper on this subject, read not long since before the Statistical Society—" it is of the utmost importance that when we have to do battle with an enemy, we should, as early as may be in the campaign, acquire some definite

the habitual criminals throughout England, will be, when thoroughly carried out, one of the strongest preventives to crime that we can possibly have. As burglars are more likely to be stopped by a light which they see, than by a blunderbuss which they do not, so, depend upon it, thieves will be more stopped by finding themselves and their proceedings known and registered, than by any dread or reality of a three months' imprisonment."

It is matter of congratulation that crime is undoubtedly on the decrease,—as appears from the annual Blue Book of "Judicial Statistics," issued from the Home Office—attributable, doubtless, in part at least, to some or all of the efforts I have already referred to. Still the commission of crimes known to the law in this country is enormous, and the expense of attempted repression and punishment of offenders an onerous burden on the community. I quote from the latest Blue Book published on this subject, the "Judicial Statistics for England and Wales for the Year ending 1860," the following returns:—

The number of persons charged summarily before the magistrates in 1860, was 384,918, of whom 255,803 were convicted. It must be observed, however, that these numbers represent offences of all kinds, many not being strictly criminal.

The total number of crimes committed, as reported to the police, were 50,405, for which 24,862 persons were apprehended and proceeded against, making, with the previous class dealt with summarily, a grand total of offenders for the year 1860 of 409,780.

The class and characters of these offenders so charged are defined under the following general heads:—

Known thieves	19,864
Vagrants, Tramps, and others without visible means of subsistence	16,374
Prostitutes	20,660
Suspicious characters	46,142
Habitual drunkards (not included in the foregoing)	24,681
Previous good character	137,574
Character unknown	144,485
Total . . .	409,780

The total number of persons sentenced by courts after trial was 12,066; by magistrates upon summary conviction, 255,803; making a total of 267,869.

The return by the police of the number of the criminal classes at large in 1860 is given under the following heads:—

	Under 16 Years of Age.	16 Years and Upwards.	Total.
Known Thieves and Depredators...	5,495	32,419	37,914
Receivers of Stolen Goods	71	4,369	4,440
Prostitutes	1,873	28,927	30,800
Suspected Persons.....	4,603	30,603	35,206
Vagrants and Tramps	5,131	17,533	22,664
Total at large	17,173	113,851	131,024

The numbers remaining in custody on 29th September, 1860, were as follows :—

In local prisons (exclusive of debtors and military prisoners)	13,459
In the convict prisons	7,794
In reformatories	2,868
Total in custody . . .	24,121

The houses of bad character returned by the police, and to which I draw especial attention, were as follows :—

Houses of receivers of stolen goods		3,080
Houses the resort of Thieves and Prostitutes, viz:		
Public houses	2,430	
Beer shops	2,508	
Coffee shops	440	
Other suspected houses	1,818	
		7,196
Brothels and houses of ill fame		7,558
Tramps' lodging houses		6,877
Total houses of bad character . . .		24,711

The numbers of the police force for 1860 were 20,760, and the expenses under various heads were £1,531,111.

From these several returns it is deduced, that we had in 1860 one of the police force for every 870 of the population, one of the criminal classes for every 115 of the population, and one of the police

Description of Cost.	Total Charge.	Contributed from	
		Local Funds.	Public Revenue.
	£	£	£
Police Establishments	1,531,111	1,203,618	327,493
Costs of Prosecutions (1859)	121,174	... ...	121,174
PRISON ESTABLISHMENTS:—			
County and Borough Prisons	498,169	400,014	98,155
Government Convict Prisons	145,604	... ...	145,604
Reformatories	43,460	... ...	43,460
Middlesex Industrial School, Feltham	3,599	3,599	—
Criminal Lunatics.....	25,541	12,497	13,044
Total	£2,368,658	£1,619,728	£748,930

On this subject of cost, Mr. Redgrave, the Criminal Registrar, in his Report for 1859, says :—

"There are, however, many other expenses, the proportion of which to be charged to the administration of criminal justice cannot be defined or readily ascertained, as the judges' and recorders' salaries, the salaries and charges of the stipendiary magistrates, the fees paid to justices' clerks, the maintenance of court houses and justices' court rooms, the costs of coroners' courts, the expenses of the sheriffs, the costs of prosecutions by public bodies, and by prosecutors above the costs allowed to them, the charges for convicts in the colonies, &c."

Mr. Redgrave might have added to these items, the costs to jurors, witnesses and others; to say nothing of the enormous loss to the public in the shape of stolen property, and the means to prevent it being stolen; he concludes his Report in the following words: "The chief item in the account must still be purely an estimate; but as the numbers of the criminal classes at large have been ascertained by the police, they form a basis for the calculation; they have been shown to amount (in 1859) to 134,922, living by the plunder and vices of the community, to-day in wasteful extravagance, to-morrow in want; it would be hardly assumed that they each spend less than £25 yearly, or that this can be levied upon the public at a loss less than double that sum. This would amount to £7,746,100, and added to the charges already enumerated, warrants the estimate that the criminal classes entail an annual expense upon the community of not less than £10,000,000."

As stated by Mr. Redgrave, the major part of this sum total is necessarily an estimate, and may by some be considered too large. It is abundantly evident, however, that the tax is a very heavy one.

I wish now to draw especial attention to, and to impress with all the earnestness of which I am capable, the fact of the systematic way in which crime, and especially theft, is pursued: that large classes of the people follow it as a regular pursuit by which to obtain a livelihood; that children and youths in large numbers, the rising generation of criminals, are well known to be now growing up in habits of dishonesty; being trained and actually by force driven to beg and steal for the support of their idle and profligate parents; and that no more imperative legislative duty, none that is more plainly dictated by feelings of humanity, or that can have greater or more obvious moral and economical advantages, can be well imagined, than that of stepping forward to rescue these most unhappy beings from the deplorable fate of thus being scourged into crime in their tender years, with the sure prospect, unless mercifully relieved by death, of ultimately falling into the grasp of the law, to be then scourged out of crime; if indeed this has not by that time become so deeply ingrained as to defy the process.

Mr. Redgrave, in his Report of 1859 already quoted, truly observes that "hundreds are born and brought up without any means of escape from a career of vagrancy and crime."

Mr. Jelinger Symons, in his work "On the Condition and Treatment of the Dangerous Classes, 1849," corroborates this view. He says:—"Apart from crimes of passion and poverty, apart also from the mere relaxation of moral restraint, caused by the familiar exhibition and apparent success of crime, it is well ascertained that an organized corruption of young persons and servants is carried on by adult thieves in most, if not all large towns, with manifold ramifications and tendrils in the country. Theft is a craft, and its annual produce in England alone amounts to many hundred thousands of pounds net profit per annum. In Liverpool alone, some years since, it was estimated at upwards of £297,440, (not including the fruits of prostitution, which also are immense,) such net profit representing perhaps a three or four-fold gross loss to the community.

"In one of our cities in a western county, a woman was recently prosecuted for receiving stolen goods, who kept open house for servants. Trained to peculation under her accomplished guidance, delicacies and wines for refreshment (the fruits of the system) were constantly accessible to all who entered into her confederacy, and her bedrooms were also used for the accommodation of those female

beset them. A robbery of any magnitude frequently involves a score or more of persons in its suggestion and execution. Of the crimes cognisable in courts, by far the most mischievous is theft. In the first place, it is out of all proportion the most extensive crime. In the next place, it involves far more demoralisation. A crime of violence most probably is perpetrated by one, or at most a few individuals; almost all crimes are isolated except thefts, which are in a great measure gregarious. It is especially adapted to children." "One of the chief causes of the perpetuation of crime" (says the writer in the *Cornhill Magazine*,) "is the training of young thieves. They are born, nurtured, reared, educated professional thieves. No ray of moral light ever shines upon them; no intercourse with purity or honesty ever falls to their lot; no good feeling is ever allowed to predominate; all their passions are distorted, all their faculties are perverted. . . . Their parents are thieves in most cases; in others the children are orphans, or have been forsaken by their parents, and in such cases the children generally fall into the hands of the regular thief-trainer." And the writer emphatically adds that which all who have thought much on this subject must acknowledge, that "Until this nursery of young thieves be destroyed, there is no prospect that thieving will come to an end in this country, or in any other." And to destroy this nursery of the young in common with the harbours of the old thieves, is the very object of the plan I propose.

Were it necessary, it would be easy to adduce numerous examples of the utter inefficiency of the law, as at present framed and administered, to reclaim the vast body of habitual depredators, or to put an effectual stop to their operations, and prevent all further accessions to their ranks. This inefficiency, however, will be patent to all whose avocations or study have made the subject familiar to their minds. To deal with crime effectually the fact should be ever present to us that depredation is carried on upon a vast scale, as an affair of business, the regular stated occupation of large numbers, acting in concert, whose sole means of a livelihood are made to depend upon it; and that its proceedings are in the main governed by the selfsame economic principles that govern ordinary trading operations. For, like all industrial pursuits, it requires and obtains the concurrent action of numbers—some taking one part, and some another; some acting in gangs, as burglars, pickpockets, coiners, forgers, &c., and some performing single parts only, as the receiver of stolen goods, the passer of bad money, &c., embodying, in short, Adam Smith's division of labour principle, without which depredation upon its existing scale could no more be carried on successfully, or indeed maintain itself for a day, than could the baking of bread upon the existing scale without the concurrent action of the landlord, the farmer, the miller, and the baker, together with the numerous accessory traders from whom these obtain the various materials, implements, &c., which they use. An evidence of the recognition of the fact I have just now been dwelling on, is to be found in the common saying, that, "but for the receiver there would

be no thief," the thief being the operator and the receiver the capitalist, without whose co-operation the former could not exist.

But the "division of labour" principle is carried much further among the predatory class. In addition to the capitalist and the operative, the buyer, the storekeeper, and the salesman, it embraces the skilled labourer. "Crime is divided," says a writer on this subject, "among the parties engaged in accordance with their peculiar aptitudes. 'Put up men' are those who are skilful in planning robberies. Men of keen observation collect the facts, and ascertain what the facilities are. Bold and ready men, good climbers, &c., are employed to carry out the operation when fully arranged. Genteel men examine empty houses as would-be tenants." Then again the organization employs the instructor and trainer of young thieves and pickpockets, and the burglar's instrument makers, mechanics of a high grade. It commands too the use of premises for the purposes of residence and concealment, for the storage and division of the spoils, and to shelter its clandestine operations of coining, forging, illicit distillery, false petition and begging-letter writing, &c., and it employs more or less extensively the means of conveyance for persons and property which its exigencies demand. It has also its own places of congregation and indulgence wherein to expend its ill-gotten gains, to boast its exploits to sympathizing auditors, to tell of the dangers it has encountered and the hair-breadth escapes it has achieved; wherein also to communicate information, concert plans, and form confederacies for future operations; of all which ample evidence may be gathered from the reported daily proceedings of the several police courts of this metropolis.

Any plan for greatly lessening or abolishing habitual crime must deal with the fact, that continuous depredation upon a large scale is dependent upon the concurrent action of many persons, discharging various functions, which are for the most part essential to the success of its operation, a fact of which the law hitherto has taken little or no heed.

But united or systematic action has its peculiar weakness as well as strength. So long as the various parts work vigorously and harmoniously with each other, all goes smoothly to the desired end, and its efficient working may be something bordering on the marvellous. Let but one single part, however, become disabled, or be thrown out of action altogether, and the certain consequence is the total derangement or stoppage of the whole mechanism. And this part, though essential to the working of the machine, may in itself be very insignificant. To stop the pendulum is to stop the clock, no matter how perfect the wheel-work or ponderous the weights. To spike the small touch-holes of the guns is effectually to disarm the battery. The rupture of a valve, or the breaking of a screw, will arrest the motion of a steam engine, though of a thousand horse power.

applicable to those operations in which the several actors perform their respective parts in distant places and without each other's knowledge, and whose action is consequently rather concurrent than united, in order to produce some desired final result.

If then it be the fact that the predatory class of any particular place, say London for instance, in which somewhere about 5,000 known depredators are daily carrying on their nefarious occupations, do really discharge their various parts so as practically to form one large mechanism, the action of which is liable to become deranged or to be altogether stopped by the withdrawal of, or rendering useless, some one essential part, and that this is in the power of society, it follows as a corollary that the continued existence of a predatory class may be rendered an impossibility.

Now the operatives of all classes, whether in lawful or unlawful pursuits, require the aid of capital in some one or more forms to carry on their labours. The predatory class require it to some extent, if it be only in the shape of a house or premises, in whole or in part wherein to lodge themselves and their booty—premises appropriated to the individual or the class. Nor, speaking generally, can this aid be obtained for any length of time, in support of habitual crime, without either the direct connivance of its owners or at least their culpable neglect of the means of informing themselves of the true state of the case. That is to say, with ordinary care and due diligence they may always learn whether their rents are paid out of lawful earnings or out of the plunder of their neighbours.

If this be true, it follows logically that, to stop habitual crime, only needs that all owners of house property should find it unprofitable to allow their property to be used for unlawful purposes.

If then a state of things be instituted in which it shall become as obvious a commercial error as it is a moral wrong to receive rents knowing them to be derived from unlawful, ill-gotten gains, all of the predatory class who would keep a roof over their heads must thenceforth desist from criminal pursuits and betake themselves to honest industry. The alternative would be lawful gains or no home save the prison or the workhouse, an alternative which must soon extinguish crime followed as an occupation.

If it be true, of which there is no doubt, that while on the one hand there are among the owners of house property many who never accept a tenant without taking good care to know who he is, and how he obtains his income, and whom no consideration that could be offered would induce to accept as a tenant any one who should be even suspected of being engaged in illicit pursuits, there are, on the other hand, but too many who are utterly care lessas to the character and pursuits of their tenants so long as their rents are forthcoming, or still worse, who do knowingly let their premises to persons of dishonest pursuits for the sake of the higher rents which notoriously are thereby obtained. If also it be true (and which is equally unquestionable) that the heavy expenses incurred in the detection, trial and punishment of offenders harboured in the premises of the last-

named class of proprietors would not be necessary but for such harbourage, (for houseless crime could not maintain itself,) it is clear that the responsibility of such expenses lies wholly with such class of house-owners. They it is who mainly aid in creating the burden and should be made to bear it. Consequently, so much of the taxes in the shape of police rates, &c., which go to defray the expenses referred to, ought not to be levied, as now, indiscriminately upon all property, but should in common justice be levied exclusively on the property of those owners who carelessly or wilfully omit to do their part to stop the evil.

And who shall question the right of society to carry out this principle? Property cannot be enjoyed in security except under the protection of the law. If while thus protected by the law any property be used as an engine to defeat the law, surely such property becomes outlawed by its own act. The knife of the murderer, the skeleton keys and jemmy of the burglar, are not fit subjects of legal protection. Felons and traitors forfeit their property, even though honestly acquired. And shall it be said that the law must extend its protective arm to the property of the owner who is knowingly or carelessly permitting its use to defeat its very protector? The act is indeed suicidal. Is there one sound reason why, as now, a house-owner who willingly shelters a gang of thieves should be distinguished morally or legally from a receiver of stolen goods with a guilty knowledge? He helps to deprive and debar other men of their own. The criminal and his landlord are in a state of virtual conspiracy against their fellow-citizens, and are justly liable jointly and severally for the ill consequences to others, including the cost of detection and punishment, or of repression. A landlord knowingly receiving for his rent stolen property *would* be answerable to the law. Is it not an absurd refinement to say that he shall not be equally liable for receiving money the produce of stolen property? An owner of property who thus suffers it to be misused is an unfaithful member of his class; he may and usually does obtain a higher rent for his house, but it deteriorates in no small degree the neighbouring premises.

But although there can be no reasonable doubt as to the right of society to make the proprietors of property who suffer it to be used for illicit purposes directly responsible, *i.e.*, punishable for such misuse, the plan I propose does not demand the exercise of this extreme right. It seeks rather to allure to the right path than to drive from the wrong, by granting to those owners of premises who are careful that they shall be occupied only by persons engaged in lawful pursuits, an immunity from a tax which is rendered necessary solely by those who, either from wilfulness or carelessness, allow their premises to be occupied by persons who make criminal pursuits their ordinary or occasional business.

Property now indiscriminately bears this burden. No distinction is made between that which aids and abets crime, and that which is free from this guilt. Surely this is wrong. Those who cause the burden, and persist in so doing, should alone be made to bear it. They inflict a fourfold injustice. First—they are accessories of crime. Secondly—by so acting they cause the burden. Thirdly—they damage adjacent property in reputation and security, and therefore in rent. Fourthly—by these dishonest practices they gain higher rents. Let the harbourers of rogues pay the "rogue-money."

From what I have already advanced you will probably have come to the conclusion that the great leading feature of the plan I have to submit is, to institute a process by which owners of premises, who can prove before a competent tribunal the freedom in respect of all such premises, their property, from all complicity or connivance with crime, or undue temptation to crime, may claim exemptions from the burdens which are clearly due to the existence of habitual crime; which, as already stated, if all such property were managed as theirs is, or, in other words, but for the wrongful use of other premises, could not maintain an existence. The exemption is one which all may qualify themselves to claim. This done, the burden would entirely cease, for habitual criminals would be driven out of house and harbour.

Meantime, however, and during the transition state, it will be seen that as one proprietor after another whose property is free from complicity gets exempted from the tax, the burden falls with increasing force on those owners whose premises are the harbourers of crime, until it becomes intolerable, far too great to be borne, the property itself being eaten up in its defrayal.

Now I submit with confidence that the plan of making exemption from the tax a privilege, while correct in principle, and furnishing what one may call a natural step from the present state of things under which every one pays, would be just and eminently safe in practice, since it would impose the task of making out the case upon the party who must needs be best acquainted with the facts, viz., the applicant himself (a possible delinquent) rather than upon an accuser, the good effect of which would be to render unavailing those manifold equivocations, refusals to answer pertinent questions, falsification of names and dates, pleas of *non mi ricordo*, &c., by which the cunning are so often enabled to evade a direct accusation, even when the case is too clear to admit of any moral doubt; for the least reluctance to afford the information asked for, or the smallest attempt at double dealing, matters which would be but little noticed in a case where conviction and punishment were impending, would be quite enough to ensure the refusal of a privilege; or at least to induce its postponement until the arbiter could be made better satisfied of the propriety of granting it.

The inefficiency of the law in its present state has been already touched upon, and the difficulty of bringing offenders, especially of some classes, to justice, is but too well known to the authorities. In the course of the daily investigations before the police magistrates one

often finds it reported that parties have been arrested for offences in premises known by the police to have been devoted to crime for many years, such crimes for instance as forging, coining, illicit distillation, gambling, procuring women for prostitution, the sale of obscene literature, &c. The difficulty, however, of inducing parties to prosecute, or of bringing home some special criminal act to the offender, often gives an immunity to these offences for a long series of years, and when at last one or more of the gang are detected and sentenced to imprisonment, they ordinarily return on their discharge to their old malpractices, which in the meantime have been defiantly carried on by others of the fraternity. Let me, however, call attention to the certain efficiency of the proposed plan in all such cases as those just cited. Since no dwelling, however great or however humble, can be either concealed or protected from the rate-collector, and since to every place he reaches he must necessarily convey the influence of the new principle in its full unbroken force, it would follow that those places (the "Hells" amongst others) which have hitherto been the scandal and reproach of the law, scorning its threats, and foiling its attacks, must speedily succumb under the accumulating burden which the operation of the new principle would inevitably bring down upon them.

Let then an Act of Parliament be passed authorising existing tribunals, or creating a new one (which might be called "The Criminal Tax Exemption Court"), to receive, publish, examine, and decide claims for exemption. Its action might in some sort assimilate to that of the Revising Barrister's Court for settling the lists of persons entitled to vote at elections for Members of Parliament.

The town clerk, chief of police, overseers of the poor, or other constituted authority in every place to which the Act applied, should receive, within a certain period of the year to be named, the claims for exemption, which should be made on blank forms to be furnished, and stating full particulars.

The lists of claimants to be published, having first undergone the scrutiny of the chief of police, who should be required to affix the words "objected to" opposite the description of any premises known or suspected to be used for an illegal purpose.

Any rate-payer should also be at liberty within a certain period to send in a "notice of objection" to any particular premises being exempted if it be known to him that they are used illegally.

These preliminaries being observed, the Revising Barrister (or by whatever other name the tax-exempting officer of the court be designated) should sit in public court to go through the list, each claimant attending to substantiate his claim, and each objector his objection, and so the list of exemptions might be settled annually.

Provision should be made for the re-imposition of the tax by the

Bonds and securities might also be required from the parties exempted, and penalties imposed for false information to the court.

Relief also should be given to landlords against tenants for illegal use of premises, and against referees giving false characters of intending tenants.

Tenants might also be required to sign a declaration upon entering on the tenancy.

Knowingly to allow criminals to become tenants might be made a misdemeanour.

A criminal conviction should cancel a lease and determine a tenancy.

In order to secure payment of the heavy rates which would fall on unexempted property, the premises themselves should be liable.

In order to avoid opposition, to give a reasonable choice, and that too much may not be attempted at once, it might be advisable to make the Act in the first instance permissive (like that of some existing Acts) with the several towns and districts, offering however some aid and encouragement for its early adoption.

In conclusion let me observe that, whilst I consider the principle upon which the plan is based is unassailable, I by no means so consider the mode just suggested of putting it into operation. This is suggestive only, and may be varied and improved, for it is not to be concealed, that in carrying out this as any other extensive reform of existing practices, difficulties will of course present themselves.

But with an object before us of such unspeakable importance as the suppression of the whole body of habitual depredators, the expenses and losses inflicted by whom I have shown you from high authority cannot be less in England alone than ten millions per annum, no ordinary difficulties, nothing indeed short of impossibilities, ought to bar our way. And since experience teaches that the impossibilities of the timid, the feeble, and the resourceless are often nothing more than the healthfully stimulating difficulties of the energetic, the persevering, and the ready-minded, it would surely be the part of wisdom, in order to insure success in carrying the principle into practical effect, to secure the services, in devising and working out the necessary measures, of men well known to combine such qualities with sound practical knowledge in the highest degree—a plan adopted with such eminent success in the case of the "Common Law Procedure Act."

Many valuable improvements of late years—as for instance the reduction of the rates of postage, the repeal of the window tax, the newspaper stamp duty and other taxes on knowledge, and most recently the repeal of the paper duty, have, in the outset, necessarily presented the unpalatable condition of an important, though perchance temporary relinquishment of revenue. Other great measures, as the repeal of the corn laws, the reform of our educational and municipal corporations, and the abrogation of the charter of the East India Company, have necessarily called for the abrogation of long-

cherished privileges, clothed with something of the sacredness of vested interests. Again, in the accomplishment of certain great changes, as those brought about by the Poor Law Amendment Act, the Factory Act, the Public Health Act, and the Building Act, the creation of new authoritative bodies, armed with highly exceptionable powers, has been deemed unavoidable.

No relinquishment of revenue is called for by the plan herein proposed; but if successful, it must cause a large saving in our local and general taxation, and a still larger in the shape of property now stolen.

And seeing that few things could act more healthfully upon our general prosperity than the effectual suppression of the predatory class—the transformation of the thousands of enemies and destroyers who now lurk in our midst, into friends and fellow-workers; and since an increase of national prosperity invariably tells upon the public revenue, it is clear that, if successful, the plan must increase the copiousness of its purest sources.

Nor is any surrender of vested interests asked for, since none can pretend to a vested interest in the promotion or concealment of crime. Nor yet is exceptional authority wanted, the decisions required being altogether of a judicial authority.

Street Occupations. By J. R. Fowler.

It has probably been remarked by most people living in London, that the number of persons, both young and old, who obtain their living in the streets, either by selling goods, by labour, or by begging, has of late years considerably increased.

Newspaper-vending in its present form is a modern invention, consequent on the cheapening of the press; shoe-blacking is a recent revival of quite an ancient custom; and the public messenger, or commissionaire, has only appeared since the Crimean war.

It would be an inquiry sufficiently interesting to trace the varieties and the peculiar advantages of the various street occupations; how far the street acrobat or musician is superior to the crossing-sweeper or horse-holder; but I do not propose here to treat of adult occupations, but only to consider the effect of a street life upon the character and prospects of the young, and to suggest some means by which the disadvantages which accompany it may be to a considerable extent counteracted.

Interesting as might be the inquiry alluded to, with respect to adults, we may properly infer that each man or woman pursuing a street life has developed a special aptitude for such a calling, and that, therefore, our considerations would be unlikely to lead to any practical result. For instance, it would be idle, even if desirable, to attempt to induce the well-known clever *exhibitor* of the per-

I do not mean to assert that the question as it relates to adults would be wholly foreign to our present subject, because it is obvious that numbers of the children who frequent our streets and obtain a living there, will ultimately become the men and women who can never rise above the grade of crossing-sweepers and hawkers. But I should be sorry to come to the conclusion that all the children so occupied when young and thoughtless, and under the influence of circumstances which may be obviated, must inevitably continue in that condition of life. Such a conclusion happily would, as far as regards boys, be directly opposed to the results of my experience gained during the last eleven years in the management of the first organized Society for the employment of Street Shoeblacks, during which time about 1,200 boys have passed under my notice. As to adults, Mr. Mayhew's histories of the costermongers and orange-women were picturesque enough, and such facts when reliable might well form premises for the deductions of Social Science, but I do not propose to tread the same ground, even though fresh matters of interest could now be collected; chiefly because I do not clearly see that the circumstances of the case of adults can well be altered by any means which might be offered for their voluntary adoption. The case of young people, however, is widely different: habits have not become fixed, and many of them merely resort to the streets because a ready means of earning money is there presented to them, and no opening on the other hand is afforded of obtaining regular and respectable employment. They are ignorant of the danger of the streets, and have not tested the precarious nature of the subsistence to be obtained in them. Apparently a large increase of children of tender years engaged in street occupations has taken place in the last ten years. The newsvendors and shoeblacks are almost all boys. We may, therefore, well apply ourselves to consider whether a street life in their case be an evil or not; and if an evil, whether means may not be devised by which the evil may be prevented or ameliorated. With regard to some occupations, or some classes of children, there can be no difficulty in arriving at a conclusion. I imagine that few would assert that crossing-sweeping or begging can be otherwise than prejudicial; and in respect of young girls, all street employments will probably be admitted to be dangerous, if not positively injurious.

It will be well, therefore, to survey, and in some measure to classify, the different kinds of street occupations pursued by children.

The principal street occupations with which I am acquainted, pursued by boys, are newspaper selling, shoe-blacking, selling fruit, &c., money-changing, crossing-sweeping, holding horses, carrying parcels, opening cabs, and begging: and those pursued by girls are selling watercresses, flowers and fruit, and sweeping crossings.

Before attempting to distinguish between the several street employments which might be, under certain restrictions, beneficial, let us consider the question in its general bearing upon a large

number of the rising generation. In most cases a street child is very much its own master, subject to no restraint except the occasional control of the police, and that kind of vague supervision which may be supposed to be exercised by the public eye. The requirements of the calling, whatever it may be, to some extent prevent loitering and idleness, and it cannot be denied that some occupations, such as newspaper selling, require considerable activity and attention; but the main features of a street livelihood are its uncontrolled freedom, which certainly has a charm for young people of adventurous disposition, and the chief danger which besets such a life is the bad company which can hardly be avoided in the public streets.

In our time we have seen the trammels which bound different trades and conditions of life gradually and to a very great extent relaxed or broken; a long and binding apprenticeship is now seldom required before exercising a skilled craft. And although we would not wish to go back to the ancient customs, we may feel that the quiet resolution and steady respectability of our forefathers may be in some measure traced to the long and laborious yoke which was laid on them when young, and we may well believe that the stricter rules of those times produced a salutary effect in upholding parental authority and enforcing obedience to a master's orders.

It is precisely in this latter point of view that I perceive danger following from the free existence in the streets. Parents are often by poverty tempted against their judgment to allow their children to seek this precarious livelihood, and are ready to admit that if they could do anything else with them they would never consent to their adopting it. But probably a large number are the children of careless parents, who themselves have pursued an unsettled life and are indifferent to the evils resulting. I have known numbers of children whose habits have been formed in this mould, who, on arriving at manhood or womanhood, are unable to raise themselves above the condition of a crossing-sweeper or a street hawker. Again, I have known many youths who have continued the trade of shoeblacks on their own account until they are forced to own with regret that they are unfit for settled occupations. Happily many of these do grow weary of the streets, and generally seek for admission into the army or navy, and perhaps this may be a better destination than their previous history would have led one to expect.

I have taken some pains to gather opinions on this subject, and I find that ragged-school managers and teachers give almost unanimously a decided opinion against any street occupation for young people, unless it partake of the nature of an organized trade, and be properly superintended and guarded by judicious rules.

We come, therefore, to the point of discriminating between those employments which may be thus organized, and so become useful, and, on the other hand, those which do not appear to admit of rules and superintendence, and so may be *considered* prejudicial.

drawn up by the managers of nine shoeblack societies, in 1860, for the perusal of the police authorities and magistrates, I extract the results of the experience of about nine years. After alluding to the reports of the various societies, which give the details of the system and discipline under which they are conducted, and the results which have been attained by means of them, they are summed up thus: "It will be found that, without laying a burden upon the generosity of the public, a large amount of good has been effected. A large number of poor boys, who had no other honest resource open to them at the time, have been put in the way of obtaining a temporary living; and their characters being tested, and their circumstances improved, they have been advanced into permanent situations in this country and in the colonies, as well as into the army and navy."

Setting aside for the present the religious or moral influence brought to bear upon the working of such societies, I direct attention now merely to the mechanism made use of.

A street life is generally, in the first place, *uncontrolled*, producing that excess of carelessness and independence which we consider dangerous to character.

Secondly, the subsistence is *precarious* in its nature, producing violent alternations of comparative riches and poverty.

Thirdly, it is subject to *evil associations.*

To counteract these disadvantages the general features of societies such as the shoeblack societies are: First, *supervision.* Second, *regularity of payment.* Third, the *esprit de corps* amongst the boys, and the general humanizing influences brought to bear upon the system.

As to the first general feature—the *supervision* consists of that of the officers of the society, who ought constantly to visit the boys at their stations, checking any disposition to loitering, wandering, or idleness, and generally encouraging them in their duty. Next, that of the officers of police, who are, as a general rule, most obliging in protecting the boys in the orderly pursuit of their trade; and lastly, that of the public generally, who have every opportunity of reporting misconduct. To these considerations must be added the fact of the boys wearing a conspicuous uniform, and being numbered for the purpose of identification.

As to the second feature—*regularity of payment* is, as far as can be, arrived at, by the society guaranteeing sixpence a day to each boy, which, in case the day's earnings are insufficient, is drawn out of the boy's savings. It has been alleged that three successive wet days would bring most persons engaged in street trades to the verge of ruin; and the shoeblack who is unconnected with a society must suffer considerably on this score, unless he be a peculiarly constituted boy, of a saving disposition. In the organized societies, on the other hand, a wet week would only reduce each boy's payment to three shillings, which sum would not be a loss to the society, but would be drawn from the boy's compulsory savings,

called his "bank," which he has by the rules laid by in more prosperous times.

It is true that the fluctuations of earnings are great: as an instance, I may mention that on the 7th of June last, a boy belonging to the East London Society took as much as 15*s.* 2*d.* in one day, at the entrance to the International Exhibition, while on the following day, at the same station, he only earned 1*s.* 9*d.*

According to the rule of the division of earnings, sixpence, together with one-third of the remainder, is paid as wages directly to the boy, one-third is the Society's share, and the rest is entered to his credit in his society's savings' bank. In the instance mentioned, the 15*s.* 2*d.* would be thus accounted for—the boy's wages would be 5*s.* 4*d.* ; the society's money, 4*s.* 10*d.* ; his bank increment, 5*s.* 0*d.* ; the boy has, therefore, a fund laid by that one day of 5*s.*, which would bear the drawings of ten successive disastrously wet days.

There are many points which might be noticed in connexion with the system of payment, some of which are debateable ;—such as the trust reposed in the boys to report truly their earnings, and its effect on their character ;—and some of which will be undisputed, such as the wisdom of guarding a boy from his own improvidence, or the rapacity of his relatives, and the effect produced on his character by feeling that he is becoming a little fundholder.*

As to the third feature—in order to counteract the dangerous associations of the streets, I have already mentioned the *esprit de corps*, and the general good influence of managers and school teachers ; but there are many minute arrangements to bring about the desired end; such, for instance, as the change of stations, which occurs every three days, by which a boy may be at one end of London on Monday, Tuesday, and Wednesday, and at the other on Thursday, Friday, and Saturday: he cannot therefore make very lasting acquaintanceships with the idlers or thieves in any locality. The stations are also arranged in order, and grouped in classes, according to their value ; by which means promotion of the well-behaved and degradation of the misconducted is secured.

So far as the *esprit de corps* is concerned, it is the endeavour of the managers to make the boys proud of their uniform, whether it be the royal scarlet, or the more modest blue or brown ; to urge them to do nothing that would disgrace the society ; to be assured that the managers and officers are acting for the common good of the little band ; to feel that, though there is a wholesome rivalry amongst themselves who should earn most, or behave the best, all are acting in a friendly spirit for a common object—the dearest earthly object—the support of their families at home.

So far as the general good influence of the society and the school is concerned, I shall say little. The importance of the kindly and religious influences of the schools from which the boys come, and which they continue to attend on Sunday, *is not* underrated by me,

but I consider their value is sufficiently known to my readers. I may mention that in the Red Society, with which I am especially connected, the managers have marked great improvement in general conduct since they established an evening class on their own premises.

Before I pass on from the employment of shoe-blacking to other street occupations, I must say a little upon one point which I consider essential to the perfect organization of such societies, viz., police recognition. In the document to which I have alluded, the case of the societies' boys, as compared with the other street shoeblacks, is very carefully stated, and a contrast drawn which shows that, notwithstanding the conditional sanction given by the police authorities to the societies, their boys are in some respects at a disadvantage, and have not so much liberty to ply their trade as the independent shoeblack, who is called by the society's boys "the opposition," and whom we may properly characterize as a "freebooter." The police are naturally fearful of overstretching their authority in interfering with those who are obtaining their living in the streets—and Sir R. Mayne, the Chief Commissioner of Metropolitan Police, has expressed his opinion that no further control over these boys can be exercised without some fresh legislative enactment. The managers of the shoeblack societies have therefore taken some pains to procure the insertion of a clause in one of the Acts affecting the Metropolitan Police, by which the police may be enabled to exercise a more efficient control over all street shoeblacks. They have been seconded in this by the kind assistance of the present Lord Mayor, Mr. Alderman Cubitt; and the suggestion has been favourably received by Sir R. Mayne, and the late Home Secretary, Sir G. C. Lewis; but owing to the pressure of matters of more public importance, they have been unable to effect anything in the present Session of Parliament.

The next street occupation I shall notice as one of those admitting of organization, and therefore likely to be beneficial, is that of newspaper selling. Some attempts at organization, more or less successful, have been made both in London and in America.

The occupation itself may be considered of a higher order than shoe-blacking, and I know of no conclusive reason why it should not be made equally beneficial.

The chief objection lies in the roving nature of the trade, and the consequent difficulty of efficient superintendence. There are many points in organizing this trade which would need anxious consideration; for instance, the class of literature to be sold, the mode of remuneration to the boys, the method of making a newsboy's society as far as possible self-supporting. Many of the regulations and provisions of the shoeblack society might be without alterations imported into such a society.

When the *Daily Telegraph* was first started, under other management than the present, a proposal was made to employ ragged-school boys in the street-selling trade—a number were engaged, but

partly from (as I think) insufficient organization, and partly from the small remuneration which at that time attended their labours, the class of boys who came forward were not equal to the requirements of the business, and in a short time the system was given up and the trade was left to fall into other and independent hands. Lately in London the Pure Literature Society have employed a few boys in selling Mr. Smithie's excellent publications, the *British Workman*, the *Children's Paper*, &c., and they also entered into an engagement with W. H. Smith and Sons, and the managers of the Bloomsbury Refuge, for the employment of boys from that Refuge in selling Smith and Sons' Popular Catalogue and Guide to the Great Exhibition of 1862.

But the most interesting attempt in this direction was made in New York, where a street trade in newspapers already existed. An effort was made to offer sufficient inducements to the boys, who were very independent and under no control, to join a newsboys' society. It was found that many of this class were both homeless and friendless; a house was taken and lodging provided for those who would avail themselves of it; it was a kind of boys' club—there was a reading and coffee-room, in which innocent games, such as chess and draughts, were permitted. The boys came under the influence and kindly care of the promoters. An evening and Sunday school was established and a savings' bank opened for their convenience.

This plan might not be wholly applicable here, but it shows that even where an independent trade already existed, much may be done to avert any pernicious effects of that trade by plans proposed for the voluntary adoption of the boys themselves.

Although it is hardly a street occupation, I shall briefly notice an organized scheme for the employment of ragged-school boys in collecting waste paper, rags, &c. The scheme appears to have been well considered, although primary objections to the kind of traffic may be raised. The rag-collecting brigade, as it is called, has only been six months in existence, so that the result can scarcely be sufficiently ascertained to form statistics for the deductions of Social Science, and I shall therefore refrain from going into particulars.

The only other street occupation which I can bring forward as capable of organization is that of messenger and horse-holder. It appears to me that there is room for the employment of boys in this way without interfering with the admirable arrangements of Captain Walter, who has established the Corps of Commissionaires, and without trenching upon their lawful gains. It was suggested to me many years ago, and before the commissionaires appeared, that boys, in uniform and under proper regulations, might be stationed at the railway stations and the clubs to hold horses or carry parcels, as a

[illegible] employment as shoe-[illegible] engaged their own [illegible] of their services.

[illegible] of the Red Shoeblack Society [illegible] as "[illegible]" to clear the [illegible] of the shops in Regent-street. [illegible] as the [illegible] business of the [illegible] required the service of such [illegible] carried on. But it [illegible] that, contrary to [illegible] as much cost on for their shoe-[illegible] wished to confine their [illegible] of the trade.

[illegible] all these occupations for boys which [illegible] necessary to make them useful [illegible] of the poorest class. Of the [illegible] such as dressing sweeping, &c. [illegible] they are not susceptible of efficient [illegible] with this, but unqualified with the [illegible] class, that they are likely to be injurious to [illegible]

[illegible] of organiza-[illegible] in the street [illegible] boys, whether it be [illegible] or swinging dressings, are alike [illegible]

[illegible] Association. I must [illegible] [illegible] the shoeblack trade [illegible] like to the society's boy in [illegible] character in his rank [illegible] and woman [illegible] by organiza-[illegible] which I have [illegible] advantage. This paper will [illegible] have the happy effect [illegible] a newsboys' society, [illegible] an honest and [illegible] I shall be satisfied if I shall have [illegible] Association to step out from the [illegible] into the wide sphere of active and [illegible] exertion.

The Origin and Progress of "The British Ladies' Society for Promoting the Reformation of Female Prisoners," Established by Mrs. Fry in 1821. *Communicated on behalf of the Committee by* CATHERINE FRAZER.

WHEN, in the year 1813, the late Mrs. Fry, accompanied by one lady, first visited Newgate, she could hardly have foreseen the results which at no great distance of time would follow from that visit of mercy. Her visits were repeated occasionally during the three succeeding years, and the change which all who had access to the prison witnessed in the demeanour of the poor inmates, encouraged the ladies to attempt further and more systematic efforts to benefit them. A very brief sketch of the state of the prison and its inhabitants, at the time referred to, will suffice to introduce the subject of this paper, in which it is proposed to give some account of the society which grew into existence in consequence of the visits of Mrs. Fry.

The space allotted to the female prisoners in Newgate comprised about one hundred and ninety superficial square yards, and here, in two wards and two cells, three hundred women with many children were at that time confined. The atmosphere of the rooms, the ferocious manners of the women towards each other, and the abandoned conduct of all around, were wholly indescribable. At the time of this first visit, a man and his son, who lived in a kind of lodge at the entrance to this part of the prison, had the sole charge of the women by day and by night, there was a regular tap in the prison where porter and other articles were sold, and the clamours of the women for the means of purchasing these indulgences, when any visitor appeared, were incessant. There was no bedding whatever, the women slept on the bare boards, and their clothing and that of their unhappy children was shockingly insufficient. A guard of soldiers was needful to prevent outrage, order and discipline being set wholly at defiance. This was the aspect of the work which presented itself to Mrs. Fry, when she proposed to herself and her fellow-labourers, that they should endeavour to remedy, as far as they should be enabled, the evils which had been suffered to attain a height and an intensity so fearful. In the groups of disorderly beings by whom the ladies were surrounded, they could hardly have recognised the material with which they were to rear a lasting memorial of what Dr. Chalmers has called "the power and charm of kindness;" even in the most degraded on whom it could be exercised, kindness is, and always will be, the royal road to the human heart.

It would occupy too much time to enter into any detailed account

it became needful that a society should be formed, and such a division of labour organized, that the prison visitors should be left at liberty to pursue their special work with less interruption.

Thus the British Ladies' Society for Promoting the Reformation of Female Prisoners came into existence. It comprehended not only the visitation of all classes of prisoners while still in the gaols, but the visiting of convict ships, which proved an arduous, but most interesting portion of their work, and the extension of care over those who were discharged from prison. Two refuges, the "Manor Hall" asylum, founded by Miss Neave, and the School of Discipline, by Mrs. Shaw, the one for the reception of young women prosecuted for, or convicted of, their first offence, and the other for girls under thirteen years of age, soon sprang into existence, and were a most valuable provision for the two classes for whose benefit they were designed. But there remained a large mass of discharged prisoners who were ineligible for either of those institutions. Temporary expedients were resorted to, in order to meet the exigencies of the case, but they were very inadequate to its demands.

The patronage societies of France and Germany had naturally attracted the attention of Mrs. and Miss Fry in the course of their journeys on the Continent, and on their return from France, in the year 1839, a sub-committee of the British Ladies' Society was formed, which is partly modelled after the foreign societies of patronage, whose name it has adopted. The sub-committee of patronage still meets once in each week. Three or more ladies constantly attend these meetings to receive from the prisons of London and its neighbourhood discharged females, who express a desire to forsake their evil habits and associates, and to commence a new and better course of life. When they appear before the committee they are accompanied by a warder, and are required to bring a certificate of health, and a recommendation from some of the authorities of the prison—the governor, chaplain, or matron, or one of the lady visitors. The leading particulars of the case are furnished by the answers inserted in writing in a printed list of queries. If the way seems clear for assisting them to return to friends or relations who are willing to receive them, immediate steps are taken to send them home as quickly as possible. Many a poor wanderer has thus been restored to parents or other relations, and very grateful letters are occasionally received from those who have been thus assisted. If friendless and homeless, they are immediately placed in "The Elizabeth Fry Refuge," where they remain until they can be placed in suitable situations of service, or otherwise provided for, or transferred to some other institution where they may undergo a longer term of probation than is consistent with the intention and plan of "The Elizabeth Fry Refuge."

This Refuge, established in the year 1849 as a public tribute to the memory of the revered founder of the British Ladies' Society, is not designed to be a reformatory according to the usual acceptation of the term, but as a home immediately available for the prisoner who

discharge, where her character and qualifications may be ascertained. In the meanwhile she has the benefit of Christian instruction and industrial training. There is accommodation for twenty-eight inmates in the house, and it has a very complete laundry attached to it, by means of which a considerable sum is obtained towards the support of the institution. As an illustration of the plan pursued by the ladies, the following case is introduced. M—— was the daughter of a respectable tradesman residing in a large town in Somersetshire. Both her parents were dead, but she had aunts who would have protected her, had she not left her home on the invitation of a false friend, who deserted her soon after her arrival in London. Ashamed to apply to her relatives, she had gone on from bad to worse, till she became implicated in a robbery for which she took her trial at the Old Bailey. Her innocence of the charge was clearly proved, and she was acquitted from the bar. When she returned to the prison to fetch the few articles of clothing she possessed, the matron inquired where she was going. She replied, that when she crossed the threshold of the prison, she would have neither a friend, a home, nor a penny in the world, and she must return to those whose ways she abhorred, or perish for want. The matron's answer was, "You shall not do that; if you are willing to remain a few days longer in Newgate, a lady will be here who will find you a home." Most gladly the poor girl agreed to this proposal, and as gladly the lady agreed that M—— should accompany her to the committee of patronage, which met that day. The poor girl's expressions of gratitude were most affecting; she assured the ladies, that as soon as she was in any respectable way of getting her living, however humble it might be, she would write to her aunts and seek their forgiveness. She was at once sent to the Elizabeth Fry Refuge; she conducted herself with strict propriety there, and after remaining some time, was removed to another institution, from whence she obtained a place of service. In this situation she continued eighteen months, and lately called upon one of the ladies, accompanied by her aunt, with whom she was living, and most probably is still living at this time. The committee of patronage might not be able to record very many cases altogether as satisfactory as that of M——, but a large proportion of the 2,559 cases which they have assisted have turned out well. It sometimes occurs that a prison visitor will recognise or be recognised by one, who, after being in one of the refuges, has relapsed into crime and is again suffering its penalties; but these cases are not frequent, and though grieved and disappointed, the ladies do not suffer themselves to be discouraged by them. Great allowance should be made for persons who have lost self-respect and yet retain that love of approbation which is so natural to the human mind. They have no happy thoughts, no right principles of action within, and they look abroad for somebody who will place them on better terms with themselves; this is the secret of many outbreaks among pri-

punishment, because they know they will thus obtain notice, and give trouble to their officers and gratify some of their chosen companions. A prisoner girl has told a lady visitor that at one time, when there were many in punishment in the penal ward at Millbank, she was the first of the set to "give in," as she expressed it, and that had she continued "to carry on," (her own expression,) five or six would have followed her example. Does not this show the advantage of holding as far as possible individual communication with these poor girls, and thus striving to induce them to seek the approval of those who earnestly desire to promote their best interests and to raise them from the depths of degradation into which they are plunging themselves? Another thing that should be noticed is the respectful manner of the prisoners towards the superior officers as well as the lady visitors. An uncivil word is never uttered in the presence of the lady superintendent, and the visits of the Scripture readers, who are employed in reading to the prisoners six hours a day, are often referred to in conversation with the voluntary visitors as productive of great benefit and pleasure. They appreciate refinement of manners and high motives, while conscious of the sad contrast in themselves. In all prisons the lady visitors are struck with the change which a few weeks only of prison discipline, combined with Christian instruction, will effect on some of the lowest characters they meet with, and they feel justified in saying that there are few indeed who are to be pronounced incorrigible, and in most of such cases there is some feebleness of mind. Another thing the committee wish to notice is the fact that the intellectual organization of almost all prisoner women is sadly dwarfish, if not defective, and if not peculiarly stunted and defective, it is in most cases quite uncultivated. Their ignorance of things familiarly known to educated children sometimes astonishes the prison visitor. Very lately, one who was reading to a young woman about twenty years of age came to the word "infidel." She stopped to inquire whether the girl knew the meaning of the word. It was evident that she was puzzled, and the word was explained as clearly as possible at the moment, when all at once the girl's countenance lighted up with intelligence as if she had made a grand discovery, and she said she had once heard a man tell her father that *the world was round.* She thought he must be an infidel. Another prisoner, after hearing the first chapter of Genesis read, so far as to have the facts recorded of the creation of the world, the land and the sea, the grass and the trees, and every provision for the use of its rational inhabitants described, was asked, "When the fishes, the birds and the beasts, had been made, what do you think God made next?" answered, "Houses;" and this answer not proving satisfactory, the next guess was "Churches." These anecdotes will show a little of the difficulty there is in teaching those whose faculties have never been exercised; and the difficulty does not rest in the want of mental culture,—the moral and spiritual darkness are still more pitiable.

When the committee speak of kindness as an indispensable

qualification for those who converse with the prisoners, it will not be inferred that it is the only one. Judgment and insight into character are required, for most prisoners are full of deception, and need to be treated as we would treat cunning children; they are very sly and yet shallow. It is often better to lead them to relate some passages of their early life by way of getting at their real state of mind, than to question them as to their later experience. It lately happened that one of the ladies who was visiting a prisoner at Millbank, inquired from whence she had come, and what her employment had been, before she had got into prison. She said she had worked in the Staffordshire potteries and could earn ten or twelve shillings per week. She then began to describe the process of turning the clay by means of a wheel into a circular form. Some very simple questions seemed suddenly to bring back to her recollection her days of comparative innocence, and she burst into tears. She was considered a hardened prisoner, and at that time was in the penal class, but there was truth and feeling in those tears, such as could not perhaps have been elicited by more direct means. It is the great aim of the visitors to these poor outcasts to bring some element of truth into their hearts and consciences. The more they can be individualized the better, and hence the value of Scripture readers, whose time being devoted to the regular instruction of women in the convict prisons at Millbank and Brixton, and who are also employed in the Refuge Prison at Fulham, much insight is obtained into the character of the prisoners who are thus taught, and the lady visitors can bear testimony to the benefit of this admirable provision for the spiritual welfare of the inmates of those prisons.

The work of the visiting ladies is different from that of the lady Scripture readers; while grateful for the kind interest which the official teachers evince, and feeling that reading the Word of God and explaining it to them is a labour of love, the prisoners will often look for the visits of those who voluntarily come from their distant homes for the sole purpose of teaching and cheering them, with evident pleasure, and the bright look of loving recognition with which some who have been perfectly restored to respectability will greet the lady who has known her in her days of sorrow and humiliation is a rich reward for hours, or even years, of toil.

The British Ladies' Society has now existed more than forty years, and it is only needful to look at the Newgate of 1862, and compare it with the Newgate of 1813, to testify that great success has been achieved. Instead of finding on the well-known site three hundred women with many children, crowded into two wards and two cells, there is accommodation for fifty inmates in separate cells, while the average number who are in confinement there is about twenty. To account, however, in part for this diminution in the numbers now confined in the Metropolitan prison as compared with those who

delivery occurring only four or five times in the year, some prisoners had to remain for long periods, some as much as two or three years, whereas they are now removed as quickly as possible, after they have been tried, to the City prison at Holloway, where the average number of females is about sixty, or to the convict or other prisons where they are to undergo the punishment to which they have been sentenced.

There are other changes which must not be wholly passed over in this brief review of the proceedings of this Society. Transportation, as the severest secondary punishment, has been abolished, and although it had its advantages, yet there were evils attending it, which, if fully and impartially investigated, would probably leave a favourable balance on the side of penal servitude as it is now administered. In visiting the female convict ships, which they never failed to do repeatedly, while they remained in the river after the prisoners were on board, the ladies often witnessed the most painful scenes. They do not dwell on the fact that in the earlier years of the Society's existence, women were sent on board who had travelled, heavily ironed, on the top of stage coaches, for those practices had only to be represented, as they were, at the Home Office, to be remedied as speedily as directions to that effect could be transmitted to the county gaols, from whence the poor suffering people came; neither would they call attention to the agonising partings of parents and children which they witnessed, because emigrant ships might in a measure furnish the same; but they refer to the great inequality of the punishment of transportation, which to some was positive ruin to all their earthly hopes, while to others it was the greatest boon which, in their circumstances, the country could confer upon them. Many eventually may have done well, but they were subjected to perilous ordeal and had to pass through many vicissitudes before they settled down into steadiness of character, if it were ever attained.

The disposal of discharged prisoners does indeed present great difficulties, but in many cases they are far from insuperable, and many are not wanting for the protection of any young woman whose health has not materially suffered from long imprisonment or other causes, and none who are in earnest when they express a wish to lead a new and better life, with the exception of those who from physical causes are incapable, are left without assistance. It is, however, proper to state that few who have undergone long sentences of penal servitude are willing to stay in a refuge after they leave the prison. They long to taste the sweets of liberty, and it is not difficult to enter into their feelings, though, at the same time, their restlessness is to be regretted, as they often find to their cost that they had thrown away their best hope of escape from the snares which beset their path. The value of refuge prisons, such as that at Fulham, where it is a matter of choice whether they will stay or leave, while at the same time the advantages of industrial training are afforded, is apparent, although it does not supply equally a test of sincerity as that

The sub-committee of patronage would be much assisted in their work if they were enabled to send a few suitable cases from their refuges to the colonies as emigrants. The funds at their disposal are inadequate, otherwise they would more frequently than they have done resort to this expedient, and they believe with beneficial results. They also feel the want of a certified reformatory school in the neighbourhood of London. They are often distressed to send young girls to institutions from whence their heartless mothers may immediately remove them. In conclusion, the committee beg to acknowledge the kindness of Sir Joshua Jebb, and Captain O'Brien, in affording every facility to the lady visitors for visiting the females in the convict prisons at Millbank and Brixton, and they also desire to express the gratification they feel in having their visits sanctioned by the magistrates of London and Surrey, and in the courteous reception they meet with from the officers of all the prisons. They only add a short extract from the newly published report of the committee of the Elizabeth Fry Refuge. "Of the one hundred and twenty-four cases that have been in the house during the past year, it is a striking fact that sixty-five were without father or mother, and thirty-five unable to read at all, and many more very imperfectly; manifestly proving how greatly their sad condition of vice has been owing to early neglect."

PUNISHMENT AND REFORMATION.

President.

THOMAS CHAMBERS, ESQ., Q.C., COMMON SERJEANT OF LONDON.

Vice-Presidents.

LORD RADSTOCK.

STEPHEN CAVE, ESQ., M.P. | ROBERT HANBURY, ESQ., M.P.

Secretaries.

J. R. FOWLER, ESQ. | GEORGE MELLY, ESQ.

MARTIN WARE, JUN., ESQ.

In this Department are discussed the various questions relating to the Prevention and Repression of Crime; the reformation of the criminal; the best mode of secondary punishment; statistics of crime; prison discipline; the management of reformatory schools and institutions, &c.

SUMMARY OF PROCEEDINGS.

"On the Means of Obtaining a more Reliable Standard by which to compare, in future Years, the annual amount of Crime. With Observations upon the Necessity for granting increased Aid to Discharged Prisoners." By G. Grosvenor.

"Assistance to Discharged Prisoners." By Sir Joshua Jebb, K.C.B.

"The Necessity of a Reformatory Discipline in County and Local Prisons." By E. Shepherd, Wakefield.

"On the Non-Imprisonment of Children." By the Rev. W. C. Osborne.

"Workhouses and Reformatories." By Mrs. Sawyer.

"Intemperance and Ragged Schools." By the Rev. G. W. Macree.

"On the Anti-Social Influence of the Traffic in Alcoholic Drinks." By the Rev. D. Burns.

"Workmen's Halls *versus* Public Houses." By Mrs. Bayly.

THE CONVICT SYSTEM.

In addition to the papers on this subject printed at pp. 358—414.

Mr. E. B. Wheatley Balme read a paper on Police Supervision over Convicts discharged in England and Ireland. He began by affirming that when a convict is set at liberty before the expiration of his sentence the community has a right to demand that every possible precaution shall be taken against his abuse of the liberty thus allowed him beyond his right. The authorities in England admitted this by the terms of the conditions printed on the ticket-of-leave, but practically the conditions were ignored, as also were the recommendations of the committee of the House of Commons in 1856, that these conditions "ought to be more strictly enforced," and that "every convict on his release with a ticket-of-leave ought to be reported to the police of the town or district to which he is sent." In Ireland this is carried out and rendered practically effective. The licence-holder is ordered to report himself to the police immediately on his arrival in the district, and subsequently on the first of each month, and also, not to change his locality without notifying to the police where he is going, so that his "registration" on the new district may be made. Neglect of these rules renders him liable to forfeit his licence. If he is found associating with notoriously bad characters, leading an idle and dissolute life, or having no visible means of livelihood, he is sent back to prison and detained for such further term of probation as he may seem to require. Convicted of actual crime, he receives a sentence proportionate to his former offences as well as the last. This certainty and increase of punishment was a most powerful deterrent from crime. It tested, Mr. Balme went on to say, not only the convicts, but the convict system. The English system was not subjected to any such test, and, by putting the discharged convict as much as possible out o

sight, gave better returns by lessening the number of known reconvictions, but it left painful doubts as to the unknown numbers. In the West Riding, nearly half the men who were known to be discharged convicts were living dishonestly. In the towns of the West Riding, 72 out of 104, whose character was ascertained, were reported dishonest, being 68 per cent. Mr. Balme then dealt with the objections urged against the introduction of police supervision in England. He disposed of the objection to it as an interference with the liberty of the released convict by simply replying, that to liberty he had no claim so long as his sentence had not expired. That it would place their fate in the hands of the police he denied, for any charge against them would be examined into. It could not brand them with crime, for that was stamped by the perpetration of it. But the chief objection came from the ticket-of-leave men. They said, "We desire to live honestly, but we cannot get work; the police are our special enemies. They dog us and tell people who we are, and then every man turns his back on us." This was true, from the reasonable apprehension that they might prove dangerous persons, and this feeling was aggravated by the absence of control. The fact that a man was a discharged convict could seldom be concealed. It was the duty of the police to look after suspicious characters, and so the police dogged the discharged convict, which they would cease to do if the licence-holder was bound to report his arrival and his movements. It was admitted by its opponents in England, that police supervision worked well in the colonies and had been successful in Ireland, but it was said that circumstances on the two sides of the Channel were so different that what was a great advantage to criminal treatment on the one side, would be a great detriment on the other. Mr. Balme instanced several objections on this score which he showed to have very little weight. But the sifting of the men to be discharged on licence by the intermediate prisons and other tests, and the supervision exercised over them afterwards, had to a considerable degree restored public confidence. There was difficulty in obtaining employment for the convict in Ireland because so many honest men were unemployed; supervision did not increase the difficulty, but the contrary. Under supervision the employer feels himself secure from acts of dishonesty or bad conduct on the part of the discharged convict. Mr. Balme quotes the testimony of Mr. Organ as follows: "Thus, while the supervision is felt by all to be a check, the aid which I can give counterbalances it in the estimation of the well-disposed, and it acts as a salutary restraint upon those who might, upon the first taste of liberty, be induced to fall back into bad courses; and whilst it galls them, it forms them in time into those habits of self-restraint which enable them to meet and overcome the temptations incident to liberty." He concluded as follows: "What a severe ordeal that

charged on licence within a period not much longer according to the return published by the English convict directors themselves.*

"The value of supervision, which shall act as a restraint upon those who might be inclined to fall back at the critical period, is incalculable. We believe that police supervision over convicts discharged on licence, would, in England as well as in Ireland, prove not only a protection to the public against the worse disposed, but a salutary restraint to the better disposed, amid the special dangers and temptations attendant on their 'first taste of liberty.'"

The discussion on these papers took place in the evening at Burlington House, the Common Serjeant in the chair.

DISCUSSION.

The President opened the Meeting by a short statement of the views maintained by the authors of the papers read in the morning. He said :—

The whole question turned on two separate and distinct considerations; first the treatment of the criminal when in custody and suffering his punishment; and the second, on the mode in which he ought to be treated when his sentence had either expired or been in part remitted by the Home Office. He would mention what were the points in which the systems differed in these two stages. In the first place the treatment of the convict while undergoing his punishment was the same in both countries, and it was in what was in Ireland known as the intermediate system that the difference arose. If the papers which had been read on the question had any fault, it was that the readers of them assumed that their audiences were as well acquainted with the subject as themselves; but he gathered from them that the intermediate system was a process in the reclamation of the criminal. In the first period of his punishment the convict is kept at that which is considered the lowest description of employment, picking oakum, rather than his mind should become affected by perfect idleness. He is kept in solitary confinement with some modification. He then passes into the intermediate system, in which he is entirely released in time of labour from physical restraint, and is employed under moral rather than physical control. It was said that there was nothing so good in the English system; that although the convict was sent from separate to associated labour, he was still kept under too much restraint. The advocates of the Irish system accordingly said that, inasmuch as it dealt with the convict on moral grounds, it was a better reformatory process than that employed in England. The next difference was as to the effect or value of marks as invented by Captain Maconochie. It was, however, contended by Sir Walter Crofton that it was not Maconochie's system which was enforced in Ireland. In England, if the convict conducts himself well he receives certain marks, as G. for good, V. G. for very good, and if on the whole he conducts himself well and industriously he becomes entitled to 6*d.* a week, which is put to his credit and handed over to him at the expiration of his sentence. In Ireland, the system was different. It was also a system of marks, but instead of conferring a pecuniary reward on the convict, it enabled him to obtain the remission of a portion, one-fifth, one-fourth, or one-third of his sentence. It was again contended on the part of Ireland, that that was the best system of control; that the greater the moral hold you had on a man, the greater was the motive-power with which you worked out his reformation. The third point of difference was that of "Individualism." In England the convicts were classified and then treated in masses. In Ireland they went further and proceeded on the principle of individualising each convict. By taking that course they worked, they said, a better reformation than they could do by any system of routine. The next point was this. It was said that the test employed in Ireland could not be

* Memorandum 1860.

employed in England. In Ireland they considered a moral test and probation a certain test of character, and said they proved by it a man's submission to the law. The test was to send him on missions, and messages, and errands, without any supervision, leaving it to himself to return or not as he might please; and so also with respect to the gratuities, means were taken to ascertain whether he had laid out any portion of them upon immediate personal gratification. On the other hand, it was said that this temptation of the man to regain his liberty was unfair, and that the authorities had no right to lay a trap for him; and with regard to the second portion of the test, it was said that the man who said to himself I will have a pennyworth of tobacco, or some other immediate indulgence, was a better man than the hypocrite, who would, to create a favourable impression, deny himself that indulgence. Such were the arguments for and against the intermediate system. In the second division of the subject, namely the treatment of the convict when released, there was only one great difference, and it was a very important one. It was in regard to police supervision. In both countries tickets-of-leave were granted to those men who by their good conduct had reduced the period of their imprisonment, and that granted in this country professed to regard the holder as still in custody and liable to be brought back to prison, but no means were taken to enforce that understanding. In Ireland the supervision was of this kind, that the moment the ticket-of-leave man was found to be in a dangerous position he was sent back to discharge the rest of his punishment. In England it was not so direct, for the man could not be sent back unless it appeared by his being convicted for some other offence that he was making a bad use of his liberty. But the main question was, what was to be done with him after he had served his full time? In England it was said, that as the man had worked out his full period, the law had no further hold upon him, and it was only fair he should be treated like other men and not subjected to the surveillance of the police. In Ireland they said, all that was a mistake; that it was not good for the man himself, that it was not good for society, that he should be left to his own discretion unfettered by a proper system of supervision. It was said on the part of England, that under that system they were damaging the man; that his only chance of getting employment was that it should remain unknown that he had been a felon, which was impossible under a system of police supervision, and that the effect of keeping the eye of the police continually directed upon him was to drive him to a repetition of his offence—that it amounted to this, that the law turned out a man as fit for society, and at the same time branded him as unfit for it. On the other hand, it was said in Ireland that what was really against a man's getting employment was that nothing was known of him; that should he after his release go back to associate with thieves, being known, he was again taken up; but that if he went into a strange place no one would employ him. They said, however, that if he was put under the protection of the police, the police were not only a watch upon his good conduct, but also became his friend. It was tantamount to giving the man a good character, for when it became known that he had been subjected to the punishment and moral restraints already specified, and had obediently borne with it, employers became anxious to engage the services of one whose conduct had been so tested. If he did not properly conduct himself he was taken back to prison and his conviction was enforced, so that temptation was at an end, and the man knew that he also was at hand who would lay hold of him and bring him back to the law, and thus a moral restraint still rested upon him, the strength of which gave intensity to his moral character. In England, on the other hand, it was said that that was a system which might do very well in the colonies or in Ireland, where there was a demand for labour, but is not suited to England, where the labour market was overstocked and where the people had an inveterate prejudice to work in company with a man who has been convicted of crime.

the opinion that that pursued in Ireland is the best, then you are to consider if there be insuperable difficulties in the way of its introduction into this country. I must ask you to consider the system pursued in England. And here I must beg Sir Joshua Jebb to believe that I entertain for him and for his labours the most profound respect. His object, like that of Sir Walter Crofton, and of every person who takes an interest in the subject, is simply to discover the best mode of repressing crime down to the lowest attainable point. In 1856 a select committee of the House of Commons was appointed to consider this question. It sat many days, and expended much ability on the subject. Before that committee appeared a distinguished and eminent public servant, Mr. Waddington, the permanent Under-Secretary of the Home Department. Mr. Waddington was asked the principle on which tickets-of-leave are granted and the sentence of the convict so far remitted that he is allowed to go at large on condition of being recalled to prison should he misconduct himself. His answer was, that the ticket-of-leave is not granted as the reward of any particular good conduct, but is for refraining from bad conduct. There Mr. Waddington touched the question at the core. That statement is in perfect conformity with Sir Joshua Jebb's report, in which he says, speaking of the convicts, "we treat them in masses, and govern them by routine, which we find to be the best plan." We therefore see that there is a routine management of the convicts; and what is the result? I will give it to you in the words of the present Home Secretary, Sir George Grey, and they are indeed very remarkable words. When five years ago his attention was called to this matter, he said, "There is an erroneous impression that the tickets-of-leave are certificates of good conduct, and that those who obtain them are reformed. There never was a more fallacious idea, and it is desirable the delusion should be removed as soon as possible, for there is no more reason to believe that they are reformed than if they were discharged without a ticket-of-leave." Therefore, you see what the Minister who supports the system thinks of it, when he states that the result is no evidence at all of reformation. Now it is quite clear to all who have followed the course of a convict, that what Mr. Waddington states to be the principle which governs the release of a convict is the principle acted upon, and that the result, as described by Sir George Grey, must be the result of such a principle. The truth of the principle of the treatment of the English convicts is this, that if they do nothing which is a decided breach of the prison rules, they will obtain a certain number of good marks, and gradually ascend in classes, until at the earliest moment that remission can begin, it will begin. We find it stated in the evidence before that same committee to which I have already alluded, that during the three years the system had been then in operation, all the convicts who had arrived at that stage had a remission immediately granted them, with a very few exceptions, and they were detained for only a very short period longer; so that, practically, the system only abridged the sentence passed by the judge. The convict knew that, unless he failed to observe the rules, he would be discharged at the earliest period appointed. How any one could suppose such a system could work a reformation, I cannot understand. Archbishop Whately, who is the originator of the new system of punishment, says this: "I should like to see the fate of the prisoner put into his own hands. Let him work his way out of prison. Let every blow of his axe cut through the barrier between him and liberty, and every time he drives the spade into the ground, let him feel that he is digging his way to freedom." These words of the Archbishop's are only a forcible manner of saying that the convict is to go out of prison, not because of the observance of certain rules, but because he is excited by the strong motive of regaining his liberty, to work out that self-reformation which is to be his title to freedom. Suppose a race in which all the horses arrived at the same time at the winning-post. Should you not say that that was no real race, no strife to see which is the swiftest. But suppose further, that some external power is exercised to reduce the speed of all to the pace of the slowest, and you have an illustration of the system. We have had—I mention it with the greatest pain—a most signal and mournful proof of the state of these prisoners, many of them on the eve of their discharge. A violent and most appalling mutiny broke out at Chatham, in which from seven to eight hundred convicts were concerned. They seem to have been collected in a mass exercising all that power

and inflamed by all the passions which so easily spread among large masses of men. Out of the eight hundred men in the prison, nearly seven hundred joined in that mutiny, and among them were many on the eve of discharge—for some the papers of release had actually come down from London. I have carefully read over Sir Joshua Jebb's report of that mutiny. He has given the character of each prisoner engaged in it in a return. I see after the names of nearly all of them G. G., G. G., some fifteen or twenty have B. for "bad" affixed to their names; sometimes V. G. ("very good") appears in the return; and in seventy-three cases the mark is exemplary. Sir Joshua Jebb has tried to explain this to us this morning; but I can only say that his explanations of the cause of the mutiny were far from satisfactory to my mind. A great number came, I think, like myself, to the conclusion, that not only were they not arrived at the reformation point, but that they were not even in the right course towards reformation. The time comes when the convicts are discharged, and what is the consequence? You send out upon the public a mass of prisoners of whom the Minister of the Crown having them in charge tells you there is no more reason to believe that they are reformed, than if they were discharged without a ticket-of-leave at all. That being so, I should think Government would consider it imperative upon them to keep the strictest watch over the conduct of the men when discharged from prison. But what is the fact? There is no police supervision exercised over them. We are told by Sir Joshua Jebb that although the discharged convicts show no disposition to be reformed, that although they are sent away without any means being taken to know where they are or how they are employed, for good or for evil, yet the system works so well that the number of relapses are only 10 per cent. If that were so, we should all be satisfied, and it would be confessed that we had obtained the greatest victory the criminal jurisprudence of any country ever achieved. But when I come to ask how it is, a light breaks in upon me. We give, Sir Joshua Jebb says, the police no notice of the men whom we discharge; if we did their hope of employment would be gone. You cannot have it both ways. If you hide the antecedents of the men, and prevent the world knowing who they are, how can you obtain a correct knowledge of how they are behaving themselves? You say it is right to hide and keep secret the doings of these men. Be it so, but you must accept the consequences; for if they secrete themselves and are not known, you must find it impossible to say whether they relapse into crime or are following legitimate courses. Let us now see how the matter is managed the other side of the Channel. There you find the directors pledging themselves to this: We, they say, consider the ticket-of-leave as a certificate that the man has given presumptive proof that he is a reformed man, and we will endeavour to make it a reality. We will not believe it where there is not strong reason to believe that he is such a man as he pretends to be. Then, as to the mode in which they accomplish this: is it by simple obedience of prison rules? Do they regard a good prisoner as a good man? A good prisoner is no doubt a very convenient animal. He relieves the officers of pain and anxiety; he goes through his physical and moral drill like an automaton. Nothing can be more convenient. All that is very well while he is within the four walls of the prison, unless, indeed, he breaks out in mutiny; but does it give him any power to conduct himself as an honest man under his own well directed self-control when out of prison? The object is not to make a good prisoner. In Ireland they think that of small moment compared with making him such a man as will pursue an honest course through life when he is out of prison, and therefore they lose no opportunity to impress into their service every motive that can operate on the mind of man to produce a good effect. They make him understand that the almanac will not get him out of prison; that it is not enough for him to voyage gliding down the river with the stream, but that he must row vigorously that he must (to follow up the dictum of Archbishop

deprived himself of his property, and who has sunk into adversity—only the adversity of crime is so much the more deep than any other, that he must be steeped in greater distress. He is then put into a cell, in which he is not in solitary confinement because he is visited by the officers of the gaol, who keep his mind from falling into depression. He has no comforts, but a hard bed and the plainest food. He is not permitted to labour; he is kept in the gloom of idleness, and when this has become so painful that the hardest labour is accepted as a benefit, he is admitted to that which is the lowest description of labour—picking oakum. I will not detain you with a minute detail of the discipline to which he is subjected. Let me deal with principles. When this stage is passed—and when it is passed depends on himself, not on the almanac—he is taken into a higher station, where he has more indulgences, which are not so much of a physical nature, but more in the nature of relaxation from restraint. Every step he rises widens his path, gives him more and more of liberty, and places him more and more under his own self-control, gives him the power to go wrong if so disposed, and sometimes he does go wrong; but what is the consequence? The directors find that he has been advanced too quickly, and he is sent back down the ladder (the portion due to the gravity of his failing) when he can begin to rise again. Let me call attention to a great principle. We only learn how to do well by having the power to do ill if we please. By dint of striking blows futile and injurious to the material, we learn how to strike the right blow in a right place. Thus before the man is allowed to go free he has been placed in all positions in which he might go wrong, but in which he has gone right. The intermediate stage differs little from absolute liberty. He goes out, he is entrusted with his liberty and with commissions, and he returns to prison and gives a faithful account of his transactions, and thus he is proved by one of the best possible tests which can be used to ascertain the extent of his moral self-control. He is also entrusted by his fellow-prisoners with money to buy them little articles which they may want. He must, with the means of gratification at hand, pass the public house and not go in, because the slightest infraction of the rule enjoining moral self-control again sends him down the ladder. What is the result of all this? Let us see if the means attain the end. The answer is a triumphant one. Whereas the English system conceals the antecedents of the man lest he might not get employment, there is no concealment whatever in Ireland. On the contrary, the conviction there on the minds of employers in regard to the confirmed reformation of the convicts is such, that they seek out those men; those who have employed ticket-of-leave men once come for them again; nay, they even select and bespeak them before they are discharged. It may be asked, why are these persons to be preferred to people who have never been steeped in crime? I do not say, as a general statement, that they are preferred; but I say this, that there are circumstances connected with the discipline which they undergo which lead many masters to prefer them. They know when they go out that they are working for a character, and therefore they do not quarrel with their masters on light grounds. Knowing that they may be sent back for two years they will never join in a strike. Masters can depend upon them, when other workmen are differing with them on points and are joining in such combinations as strikes. I cannot think there can be a criterion so valuable. I speak in the hearing of friends and strangers, and say that, when last year in Ireland, not satisfied with inspecting the prisons, we asked for a list of the discharged prisoners, setting forth where they were employed and then, on visiting the masters of such of them as were employed in Dublin, we ascertained from them the full truth which I have now been stating to you. But after all the proof a prisoner has so given of the strong conviction that he is a reformed man, the directors demand that there shall be kept over him a strict police supervision. They will know from time to time where the prisoner is; and Captain Crofton tells you if the prisoner fails in performing the conditions of the ticket-of-leave, he is instantly brought back for the whole period of his sentence, but for a period proportionate to his backsliding. After that further probation, he is discharged again. Does it appear that there are safeguards supplied in the Irish system, which are not supplied in England; and can we doubt, first of all, that the [illegible]

better than in England, and are properly dealt with? Now let me go back to England, and see what is the custom there. It frequently happens, that although the police are left in ignorance of the whereabouts of the ticket-of-leave men, they are recognised, and application is made for the revocation of their tickets. Let me tell you my own experience in Birmingham; and here let me say that I consider Sir Joshua Jebb in error when he states that he can ascertain the number of failures. At the time he was good enough to publish the number of those discharged on licences, and the counties into which they had gone, it was stated that 197 had gone into Warwickshire. Now as Birmingham contains one half the population of the county, we ought in that town to have had at least 100 of these men; but in the natural course of things we ought to have had a far greater number, for every one knows that a large town forms a far better harbour for men of that stamp than a village or a small town. That being my impression, I directed the police to take the best means to ascertain how many of them were really inhabiting Birmingham. I asked them for six weeks to watch the doings of these men, and what was the consequence? Only fourteen of them could be found in the town. It was thought at first that there were seventeen, but on the strictest inquiry only fourteen could be found. Of these, nine were conducting themselves well in the manner endorsed on the ticket-of-leave, and leading honest lives. The other five were associating with thieves and evil companions of all kinds, clearly showing they were unworthy the clemency which had been extended to them. I made a report of the circumstances to the Secretary of State, but he thought the evidence not sufficient to justify him in recalling their licences, he did not think it even sufficient to call for an inquiry. He declined to recall the licence on, he said, the slightest infraction of the terms on which it was granted. With all respect for him, I cannot understand this; for what warning can be more solemn than the endorsement on the ticket? and unless it is acted upon, the system ought to be called the Goody System. It is just as in a dame school, where there are futile threats made which even the children learn to despise. Time, however, went on, and in the course of some months after my report, two or three persons were seen by the station master at Birmingham going northward, and he immediately said to those standing next him: We shall hear in a day or two of some great crime being committed. The prophecy was a true one, for the newspapers, a few days afterwards, contained the account of a burglary in Nottinghamshire, in the house of an aged clergyman. The burglars entered by a window and came into the room of a lady who had been only a fortnight confined. She immediately snatched up the child and ran out of the room giving the alarm. The clergyman had fortunately by him a loaded pistol; he fired and wounded one of the burglars, upon which they all fled. The next day but one, that one man was, by reason of his wound, detected in Birmingham, and he turned out to be one of those whom I reported to the Secretary of State. Can you believe, after all this, that the authorities of the convict prisons have any means of showing how many relapse into crime? I will not enter into new topics, but having given sufficient proof that the Irish is better than the English system, the only question which remains is this: Is there anything in the circumstances of the case to prevent it succeeding in England, as it has succeeded in Ireland? I was surprised at the arguments which were this morning used to show it would fail in England; and here let me do justice to Sir Joshua Jebb. I this morning heard him, with the greatest satisfaction, pay a deserved compliment to Sir Walter Crofton. He said that the introduction of the police supervision into the Irish system did him the greatest honour, that he himself should like to do so in England, but that the circumstances of the country prevented him. That in Ireland there was, what was not to be found in England, a disposition to favour the criminal and a leniency shown to those convicted of agrarian offences. But that evil, hateful

a reason why we should not have a police supervision here. Another requirement is, that there is a greater facility of obtaining employment in Ireland than in this country; but that can scarcely be the case, since we yearly see the Irish flock over here to get employment. On the whole, I sit down with the full belief that there is no impediment to the adoption of the Irish system.

Mr. Horace Greenfield considered that all parties were agreed that in the first stage, that of punishment, the two systems were similar. At the end of that period, the colonial system, which was the third stage in this country, was adopted. He learned from a blue book that 583 had, from Portland, voluntarily reported how they had fallen back, a proof that the convict nature was not so bad as many supposed it to be. Sir Joshua Jebb's idea was, that after a man had gone through his sentence he became a better man and was more likely to use his liberty well than if he were to be kept under the supervision of the police. People were, he was afraid, too apt to think the convict could educate himself up to the position of an honest man, but still it was a matter of which he did not despair, and he only spoke his own feelings when he stated the Irish system was defective, as it required every man discharged on ticket-of-leave to present himself at a given place at a given time. In the colonies it might not be productive of much harm as there was there but a sparse society, but when it was considered that the prejudices of every man led him not to associate with those convicted, of course it was a serious matter to require a man to present himself at a given place.

Sir Walter Crofton.—I did not intend to make any comments upon the papers which we this morning heard read, but Mr. Burt in his paper said that I was in error when I stated that the number of relapses in Ireland were 114 in the year, whereas they were, as he was informed, 300. This was a damaging statement, and on his leaving the box I asked him to explain if the 300 relapses had taken place in the same year, and he in reply stated it meant the number of relapsed cases in prison in one year, that is the collective number. I do not know who has been his informant, but what he stated may be true, the collective number embracing those who had relapsed during a more lengthened period than one year—that the licences had lasted but a few months and were not a proper test of the system, the whole bulk referred to men sentenced under the old system of transportation, and who were under the new system but a few months. Now I think that the operation of the system on men for four, five, or six years is the test to which we ought to look, and not to the experience of a few months. Another accusation was, that the directors in their report complained of short sentences. We then spoke of the time gone by, which did not give us a proper period to keep a check over the conduct of the convict. This morning Sir Joshua Jebb read two papers which must have been interesting to every one who heard them, and in one of them he stated he would not object to a supervision of the incorrigible. This I consider a great point to meet us on, so let us try to get at practical results and not make a parade of the two systems. He is ready to have the incorrigible placed under surveillance; but how are we to get at the incorrigible? What is incorrigibility? I have found the police supervision the best, but if he can show me any other means equally effective, I am not wedded to the police, so that I can break up the criminal class. He would use only the prison agency; I have had and they work well together.

Sir Joshua Jebb.—Is there a common ground on which we can meet? I [illegible] that a general supervision of the police prevents the ticket-of-leave man [illegible] getting employment. It is true a benevolent master may employ them, but [illegible] if their fellow-workmen find out who they are they will make them go away. [illegible]

man up, he made a mistake, what would the public say? what would Parliament say? It would be discussed in Parliament, and I do not think Parliament would sanction it. If that were not so the Secretary of State would long since have acted in the matter. A great deal has been said to the effect that there is no reliance to be placed on the returns. All I can say is, they are the best that could be framed on the insufficient data at my disposal. In Ireland they profess to have the means of giving the most reliable account of every man discharged since 1854 to 1860, that is, omitting the last two years, 6,124 men were released in Ireland, and it is said that only 10 per cent. can be traced back into the convict prison. Now we should have this information: How many of those released during the first two years of that period remained under surveillance to the end. How many returned to prison. How many emigrated. How many escaped to Liverpool. To be on equal terms we should have that information. Suppose the Island of Anglesea a distinct country from England, with several steamers crossing the Menai Straits twice a day, and a ship sailing once a week from Holyhead to New York. If this were so, we could give a very good account of the English system. But look at the broad result. The intermediate system has always been in use in England. In the colonies it has existed since 1842, where the men are employed on the roadside under very little supervision. They work with great liberty, but that is a condition in which a great deal of evil communication takes place to the loss of the good. We select our best men and send them to Western Australia, but during their four months' voyage on board a convict ship demoralization to the greatest extent takes place. On their arrival they go to recruit their health by working on the roads and to accustom themselves to the climate, but for the most part they get employment the moment they are discharged, and the results are infinitely better than either in England or Ireland. That arises from the contest there is among the colonists for their services, and from the fact that the masters have great power over them. It is said that in Ireland the policeman is their protector, just as a poor-law guardian would be; but such a state of things does not exist in England. The only difficulty we experience is in the disposal of the convicts. We have their gratuities in hand, and in reference to them hold a great correspondence with them, and although we cannot trace them from day to day and from place to place, still all reconvicted come back to us, and they must of necessity be recognised, and lately the average of reconvictions has been reduced. When I get a broad result like this I must suppose we are not going very wrong.

Mr. Radcliffe wished to know whether the amount of their gratuities was placed in the hands of the convicts, or whether it was retained to be forfeited in case they misconducted themselves.

Sir Joshua Jebb.—A portion of it is paid them on their discharge, and we retain a portion, which is in case of misconduct forfeited.

Mr. Pearce wished to say a few words as to the employment of discharged prisoners. He should not have the slightest hesitation in giving them employment. He found that the only instances where people would not employ them were from prejudice, but he assured them that if the discharged criminals were employed under surveillance that prejudice would break down.

The Rev. Sydney Turner said one of the most important points at issue was whether criminals could be safely placed under the supervision of the police or not. Now it had happened to him during the last four or five years, in carrying out the performance of his duties as an inspector of reformatories, to have had a large amount of correspondence with the police in some 400 or 500 districts in England, and he had met with one unfailing result. All the work had been done in the most business-like manner, and with the most considerate feeling of kindness for the people concerned. They were not all men educated for the particular work—they were an average class of men—but he said that the general treatment he had met with from them was most business-like. With regard to placing the criminals under the surveillance of the police, he was sure that they would properly do their duty to the country.

Mr. Baker said that whenever it became known to the police that a man known to have been a thief was in his neighbourhood, they were down on him at once, but he believed a man might with safety be put under the care of the police.

He had had to look into the matter very much, and to ascertain what became of the boys in after life, and he admitted that he had occasionally found an ignorant policeman who would give a hasty answer, but if he went in such cases to the superintendent, or some one in authority, he had always found that they had been able to put into the heads of the men all that was wanted, and the conduct of these men was all that could be wished. In fact, he had found from the police the best and kindest advice and help that he could have expected.

The Rev. Mr. Osborne had known many cases where a policeman having become acquainted with a convict's position, the result had been that the convict had lost the work which he had obtained with the intention of earning an honest livelihood. With regard to the convict systems, he wanted to see in that of both countries something done to prevent the discharged prisoners from relapsing into crime. He often had men coming to him from Bermuda, Pentonville and other places, saying to him, "What shall I do?" He did not know what to tell them to do. They would request him to write to London for some of the money due to them; they would get the money, but they were not any nearer getting employment. They were ferreted out and driven from place to place, till at last they were determined to take their revenge on society. He was sorry to say he knew of some cases in a gaol where several men who had thus been prevented from obtaining an honest livelihood, had expressed their determination to return to their old habits on their liberation from custody. They had been hunted up from their work, followed from pillar to post, and society having laid its hand on them they were determined to turn round and take their revenge upon society.

DISCHARGED PRISONERS.

Sir Joshua Jebb contributed a paper on Assistance to Discharged Prisoners. He began by remarking that whatever be the system of prison discipline and its results in elevating the character of the criminal, neither the public nor the individuals could reap any substantial benefit unless prisoners, on their release, had the means of obtaining employment and of putting the good resolutions formed under the prison discipline into effect. It was vain to expect that they should be able to avoid crime if they could not obtain the means of subsistence. The recommittals of 30 per cent. of the prisoners he believed to be mainly attributable to the neglect of discharged prisoners, and he thought Government would do well to second and stimulate the humane efforts of private benevolence in their aid. If any plan applicable to the limited number who issue from the convict prisons could be brought into operation in large towns, on a really sound footing, its advantages would soon be extended to the crowds who pour out of the gates of our large county and borough prisons, unheeded and uncared for. A moment's reflection ought to show that there was entailed by each re-committal ten times the expense which in all probability might have prevented a return to crime. In other countries the importance of "Patronage," or rendering assistance to discharged prisoners, was fully recognised, and justly regarded as a necessary complement of any general system of penal administration. So far as regards convicts released on tickets-of-leave from the Government prisons, Sir Joshua Jebb thought it might facilitate the consideration of a plan for their benefit to estimate the number requiring assistance. After deducting 1000, who will hereafter be sent to Western Australia, the remainder, which may be taken at 1,500, might be classed as follows:—1st, hopeless or really

bad, 20 per cent. or 300; 2nd, those who from circumstances were likely to relapse into crime, 20 per cent. or 300; 3rd, those who are able and willing to help themselves, about 60 per cent. or 900. From half to two-thirds of these last would, with a little assistance, have fair prospects of doing well at home; a proportion also would emigrate. In the second, many would be not badly disposed, and so claim to be assisted.

As regards the hopeless class, to deprive them of facilities for crime was all that could be done. Through the agency of Prisoners' Aid Societies, assistance is rendered to convicts by means of their gratuities. The Government and the prison administration, both in England and Ireland, do all that is possible during the term of a prisoner's confinement, and the public must do their duty and complete the restoration of the criminal to society. Sir Joshua mentioned the Birmingham Prisoners' Aid Society as the parent of these excellent institutions. He stated that during the last five years the London Society had taken in hand and successfully provided for 2,571 male and female convicts; hundreds of them would testify to its having been the means of saving them from inevitable ruin. We were far behind other countries in organizing efforts for aiding discharged prisoners, but there was enough of spontaneous benevolence at command; all that was required was to give direction to its efforts.

Mr. George Grosvenor proposed "A mode of obtaining a reliable standard by which to compare in future years the annual amount of crime;" to which he added some observations upon the necessity for granting aid upon a more extended scale to discharged prisoners. The first portion of his paper proved that, in order to obtain a standard of comparison by which to test the yearly diminution or increase of crime, and which should be in all respects trustworthy, it was necessary to extend the range of computation over a series of years, in order to avoid the fluctuations from special causes. In the second part he began by observing that the number of recommittals represented the number of habitual and confirmed thieves, and these, in the tables given in the "Judicial Statistics," show in the last three years an average of 39·5 per cent. of the total committals, thus leaving 60·5 per cent. of whom it might with safety be asserted that any well directed mode of assisting them to obtain employment or to emigrate would be attended with such success as would considerably lessen the numbers annually convicted. The absence of any such plan, together with the almost insurmountable difficulties by which, on their liberation, well-disposed prisoners are beset, caused, in his opinion, more than one-fourth of those who had been in prison in any given year for the first time, to reappear the following year as having been once before committed; the average of such recommittals for the last three years was 15,770 or 27·0 per cent. These represented,

judicious training to which the prisoner was there subjected, it was the facility with which he found employment on his discharge, while the certainty of speedy reconviction and punishment in the event of his again committing an offence, convinced him that "honesty was the best policy."

Taking into consideration the almost insuperable difficulties in the way of a discharged convict in England returning unaided to an honest course, it was a necessary condition towards securing any permanent or considerable reduction in the number of our criminals, that some plan should be devised for granting them such assistance on their liberation as will enable them to gain a subsistence by honest labour. Prisoners' Aid Societies had given valuable assistance, but their efforts made but little impression upon the vast numbers annually discharged from our prisons. He thought a system of emigration would be the most effectual means of obtaining the desired object, 60 per cent. of the prisoners being under thirty years of age, and from their hardy habits, their discipline, and industrial training under long sentences, peculiarly eligible for this mode of disposal. But whatever plan might be adopted, it should be a general and effective one, and ought to be devised and carried out without delay.

DISCUSSION—TICKETS-OF-LEAVE.

The discussion on the Convict System was then resumed, and more particularly as to the respective merits of the English and Irish system.

Mr. DAVID SMITH, Magistrate, of Glasgow, considered that the worst feature connected with the ticket-of-leave system was the sending the men in many cases back to the former scenes of their crimes, where they met with their former associates, and were apt to relapse into crime. What he should suggest was, that the gratuities allowed them should be saved up and kept for their use and benefit until the expiration of their term, when they should be sent out as emigrants.

Mr. GROSVENOR said those who were discharged on ticket-of-leave only averaged about 30 per cent. of their prisoners, so that the paper he had read did not refer to them alone but to discharged prisoners in general, and the great difficulty was to obtain employment for such men when they were discharged.

Sir WALTER CROFTON explained the principles upon which the Irish Convict System was founded, and the mode in which it operated. If a convict, after receiving a ticket-of-leave, was found to be associating with thieves, he was liable to have his licence revoked. In regard to the police supervision over the ticket-of-leave convicts, it was the duty of the convict on changing his locality to report himself to the police in the district to which he removed, and subsequently on the first of each month, so that the police had him constantly under their eyes. A man was not therefore permitted to change his locality without announcing it to the head of the constabulary.

The PRESIDENT.—A man may therefore report himself to the police when he gets a place, but how does the police supervision affect him when he comes to the locality? Do the police still watch him?

Sir WALTER CROFTON.—No; the police know where he is, but they do not watch him. At the same time, the licence would be revoked if it were shown that convict was leading an irregular or vicious life, and in the event of a fresh offence being committed by him, the particulars of his former offence were furnished to the chairman of the sessions, and severer punishment

He was not without hope that a similar system might ultimately be introduced into England, as he had many applications from the employers of labour in England, to send them over gangs of Irish convicts, provided he could have them placed under the supervision of the police in this country.

The PRESIDENT.—Does the supervision of the police in Ireland extend beyond the licence granted the convict?

Sir WALTER CROFTON.—No; it expires at the moment of the expiry of the licence, and if the police report favourably of the man he can go in quest of a situation anywhere he pleases. At the present time they heard a great deal about agrarian outrages in Ireland, but the fact was, these were not the men who committed them; for while there had been during the past year 107 of these outrages, only seven of them had been committed by parties previously convicted.

The Rev. Mr. ELLIS said he was one of those who some time ago entertained the opinion that supervision by the police over these ticket-of-leave convicts in England, might be beneficially exercised, but he confessed that his opinions in that respect had recently undergone a change. He was the clergyman of a large parish, he knew the police, and he pretty well knew the working classes, and he had no hesitation in saying, that they could not carry out the same system here as they did in Ireland. The two systems were placed under peculiar and different circumstances, and he considered that it would be the most unfair thing in the world to introduce the Irish system here in England, where the state of matters which had caused it to be introduced in Ireland did not exist, and the conditions of each were so entirely different.

Mr. BRACEBRIDGE considered that they were not driving so much at getting the Irish system introduced into England, as at placing the English system under proper supervision. They heard Sir Joshua Jebb say the other night that he did not object to a reference to some constituted authority as having some supervision over these men, and having arrived at that, the only question then was, whether that reference should be made to the constabulary. The great point was, that those ticket-of-leave men should obtain employment, and there was a danger of their not doing so if their characters were known to the other workmen among whom they might go.

The Rev. W. L. CLAY made some remarks, in addition to the paper which he had read, on the difference between the English and Irish systems, and upheld the doctrines he had advocated in that paper.

Sir JOSHUA JEBB said he had introduced the English system into Ireland at the time he recommended the establishment of the prison on Spike Island, which he did on the application being made to him by Lord Clarendon when Lord Lieutenant of Ireland. He inspected that prison after it was established, and he recommended the adoption of the Pentonville system in it, which was done. The gentleman who had the management of it did his best to carry out that system, but after a time he was again applied to on the subject, and as he could not go over to Ireland at the time himself, he recommended the appointment of Captain Knight to the head of it. He introduced some alterations which had been since continued. One of these was the establishment of what were called probation gangs, but the only great difference between the two systems was the giving of marks for school. As to the intermediate system, it originated in this way. He made a representation to Lord Palmerston when that Noble Lord was Home Secretary, that he did not think it right to adjudge the women to so a long a term of imprisonment as the men. The answer he received was, that to remedy the matter, the proper way would be to place them in some intermediate position, and the consequence was, that he established the

but as to the question of police interference and supervision, he could not move in it. It was not one which came under his direction, being one of those questions in which the State alone could interfere. To show the difficulty of dealing with it, he might relate a circumstance which occurred only five or six months ago. At that time Sir Richard Mayne wrote to the Home Secretary to say that there were many ticket-of-leave men abroad in the Metropolitan districts, who were leading disorderly lives, upon which Sir George Grey instructed him to name those who were found doing so, and that if within a month he did not hear a better account of them, he must consider what steps he would take in regard to them, and would enforce their licences. The result was, that at the end of the month an answer came to the Home Secretary that by various means, such as change of residence or of dress, the police could not find or produce a single man of them. What they had at once done on the alarm being given was, to shift their quarters, and that he thought would show what the effect would be of placing them under the supervision of the police.

Sir WALTER CROFTON said there was the strongest desire on the part of prisoners to get to those intermediate prisons and refuges, which showed that they had a desire to reform. The thought of getting there seemed a sort of motive power to cause them to do so.

Sir JOSHUA JEBB considered that so far as convicts were concerned they had plenty of motive power. Let them go to Portland, and they would find that it was not needed there. The strongest motive power was the thought of getting their liberty, and he was in hopes that the colony of Western Australia would soon be capable of absorbing the greater portion of their convict population. From seven to eight hundred of them were annually sent there now, and as the roads were constructed, and mines were opened up, and the resources of the colony developed, the number might be greatly increased. He was therefore of opinion that if this additional motive power, as it had been termed, were applied to the system, it would be the means of greatly injuring it, and that the motive power of the convict might become dangerous to them.

Mr. AKROYD said the results of his observations in Ireland had been, that the objections which had been urged against the system there in operation did not apply to it, nor would they apply to it if introduced into England. He had visited several of the prison establishments in Ireland, and he could not see the force of any of these objections. What they wanted was police supervision, not alone in the interest of the convicts themselves, but also on behalf of, and for the protection of the community at large. It was not right or proper that they should have these men let loose on the community without the power of exercising some sufficient control over them.

Mr. MEASON considered that Sir Joshua Jebb's system either went too far, or that it did not go far enough. It put the police on the trail of a man, and hunted him down, or it did not exercise that proper control over him which would deter and restrain him from again falling into crime. He believed that Sir Joshua Jebb had in view the same object as the Irish system had, but he considered that it ought to be extended further in order to its more general efficiency.

The Rev. Mr. FISH stated that as to what had been said about the employment of these ticket-of-leave men, he found that employers had no fear of taking them into their employment, as they did so upon the testimony which they carried with them from the gaols. In the north of England there was no feeling whatever against employing ticket-of-leave men.

The Rev. Mr. OSBORNE wanted to know from Sir W. Crofton what was the mode of procedure by the police in Ireland, should any of these men report to them that they could not get work. Did they assist them in any way to enable them to get employment?

Sir W. CROFTON.—It is no part of the duty of the police to do so.

The Rev. Mr. OSBORNE.—Then the Irish system does not assist convicts to get employment. Supposing then those men do not get employment, how do the police act?

Sir W. CROFTON.—The police have nothing to do with that. Their supervision over them is merely to see that they do not commit crime.

The Rev. Mr. OSBORNE.—Then the matter is very little different from the system in England. He had known cases in England where these men had got employment, and when it was known that convicts had got amongst them the other men had struck work. He should be happy if the placing them under the superintendence of the police was the means of enabling them to procure employment, but he found the case to be otherwise. He could not therefore see that giving the police a supervision over them in any way bettered the case, as unless they could place prisoners beyond the excuse for committing crime by getting them employment, it was of little use.

The Rev. Mr. ELLIS considered that they ought not to draw the distinctions they had done between the English and the Irish systems. The fact was, the convicts of the two countries were different, which was clearly proved by Mr. Commissioner Hill last night, but the English and Irish systems were up to a certain point the same. The Irish intermediate system is not even different, as it was part and parcel of the English system, and was in operation here though not under the same name. It had been at work at Fulham in the case of women, and as regarded men, in special service classes.

Mrs. Jellicoe read a paper on Female Convict Prisons in Ireland, printed at p. 437.

Mr. ALFRED HILL said he had visited several of the Irish convict establishments, and he could bear his testimony to the statements in the paper which had just been read. They were admirably conducted, and as a proof of the discipline in them, those who passed through them were sure of obtaining situations. He knew a gentleman who was in the habit of every year having two servants from the institution to which Mrs. Jellicoe's paper had more particularly alluded, and he had invariably testified to their being the best servants he ever had. The system he adopted was this, he had always two of them in his house, but after keeping them for a year if they behaved well he caused some of his friends to take one or both of them, and then he got a fresh supply from the institution, always keeping up his number of two.

Miss CARPENTER said she had visited the Irish convict prisons last year, and she could testify as to the admirable manner in which these establishments were conducted. She inspected the whole of the prisoners, great and small, and she was especially struck with the remarkable alteration which she observed on the faces of those prisoners in the first class as compared with those in further advanced classes, or in the last class, whom no one could know from the people going about the streets in the ordinary business of life. That showed that the influences at work in these institutions had a salutary effect on the prisoners who were sent to them, for it proved that as the discipline to which they were subjected progressed, the more civilized, and the more Christianised, and the better-looking did they become.

Mr. PARE also bore his testimony to the admirable manner in which the convict establishments in Ireland were conducted, and asked Mrs. Jellicoe whether they had any libraries attached to the female convict departments the same as they had to the male departments, where he believed they were kept up by the prisoners.

Mrs. JELLICOE replied that the convict females in Ireland could not possibly do so, because they did not get their gratuity until the expiration of their imprisonment; at the same time there were lending libraries from which books were supplied to them, and these were to a large extent taken advantage of.

The Rev. Mr. Fish explained that he considered labour to be the best discipline for the boys, while at the same time, they never sent any out who could not read properly. As to the moral supervision which they exercised over them after they were sent out, he had explained it in his paper.

Mr. Balme said his experience had reference more particularly to the West Riding of Yorkshire, which was composed of a scattered population, of perhaps a hundred thousand people, and where there were no large towns, and that experience induced him to go along with Mr. Fish in the opinion that the sooner they get boys out to work the better. As to the renewal of licences, it was, he conceived, purely a question of law. If the boy ran away he could, no doubt, be brought back, but the question then was whether a new licence could be obtained for him.

Mr. Barwick Baker said that however he might regret to differ from one who had worked so earnestly with him as Miss Carpenter had done through the early days of reformatory work, when the difficulties were far greater than now, yet as the object of these meetings was simply to get the expression and discussion of varying opinions, he must take the liberty of stating his own. The meeting to which Miss Carpenter had referred as having been held at his house, had consisted of the managers of about half the reformatories of England. The managers of nearly all those reformatories had been invited, but only about the half of them came, and, after considerable discussion, they had come to a nearly unanimous resolution that it was, as a general rule, inexpedient to receive boys into reformatories on first convictions. They by no means refused to receive any such, but they required that any magistrate committing a boy to a reformatory on a first conviction should fully state his reasons for so doing, in order to show to the Home Office that the case was one which required such treatment. Miss Carpenter had said that the magistrates would always be able to decide whether a boy was sufficiently criminal to be sent to a reformatory or not; but while he was always disposed to leave a good deal to the discretion of the magistrates, he certainly did not consider them infallible. Of over 200 boys who had passed through his own establishment he did not think there were over twenty of them upon whom he could not lay his hand, as he always watched them after they left him; but with ten years' experience in judging of the character of these, he would be loth to take upon him to decide whether in the cases which came before the magistrates a boy was likely to be recommitted or not. There were, no doubt, certain gross cases in which he might be able to do so, but in the average number of cases he could not. He had made extensive inquiries through different counties and towns in England, as to the number of first and second convictions, and he found that in agricultural districts, out of all the boys who were sent to prison a first time, one in eight was reconvicted under sixteen years of age, and one in six under eighteen. In Manchester, Birmingham, and other large towns, the second convictions were about one in four. In London they were formerly one in two, but there the reconvictions had of late appeared to be greatly on the decrease. If, then, such was the case, how could it be expected that the magistrates could, with any degree of certainty, pick out the one in four, or six, or eight, who would not be reformed by a simple ten days' imprisonment? It might be considered as depreciatory of the interest attaching to the subject to advert in the discussion of it to so low a subject as pounds, shillings, and pence, but it must be remembered that reformatories have to be supported by such means granted by the State, and if the State found that many boys were sent to be reformed at a cost of £40 each, at least when probably ten days' imprisonment, costing 15*s*., would have done as well, the State might greatly and justly complain. On that subject Mr. Sydney Turner states, in his new report, that out of 1,545 females sent to reformatories, 976, or more than five-eighths, are first convictions, and nearly one-quarter are under twelve years of age. His observations however, as well as the resolutions of the meeting referred to, had only reference to boys; he abstained from giving any opinion as to girls, having no experience in such reformatories.

The President said he had understood Miss Carpenter to say that no arbitrary test could apply, and that convictions being an arbitrary test they could not be recognised. He thought that were magistrates to say that boys and girls were

not sent to these reformatories except in cases where discipline was necessary, and that their being so was not necessarily to be left to a second conviction, that such would suffice. He had seen at Liverpool magistrates send the children to reformatories on second convictions, but Mr. Mansfield had stated over and over again that the necessity of the case and the actual condition and circumstances of the child ought to regulate them in the matter.

Mr. BAKER.—It was never proposed to make an arbitrary rule on the subject. All that was proposed was, that when magistrates sent children to reformatories on a first conviction, they should send their reasons for doing so to the school where the parties were sent, for the guidance of the inspectors, as these might guide them very much in dealing with the children afterwards. In 1861, as he had already stated, out of 1,545 convictions, 976 were first convictions, or five-eighths of the whole number; he thought that showed that the magistrates took especial care to inquire into the circumstances of the respective cases.

Mr. MACALLUM explained that the practice adopted in Lanark by the magistrates was much similar to that pointed out by Miss Carpenter in her paper. It was only when they found on inquiry that the boys were so circumstanced, that if not sent to reformatories on first conviction, they would inevitably become pests to society, that they so sentenced them. It often happened that a clever boy might live on in crime for two or three years without being caught; when the magistrates found that out to be the case, and that there was no other means of effecting his reformation and protecting society, he was sent to the reformatory.

The Rev. Mr. OSBORNE.—Do you in cases of first conviction ever send them to prison?

Mr. MACALLUM.—Very seldom. In most cases they are discharged, and handed over to their father or their mother.

Mr. DAVID SMITH, of Glasgow, stated that the system observed in that city in respect to the juvenile offenders was, that the magistrates kept them for a night, and then looking at and inquiring into all the circumstances connected with their character and situation, they were, after being admonished and the parents communicated with, sent back to them, and in the large majority of cases none of them had again come up before the magistrate. No doubt those who were incorrigible were sent, from motives of humanity, to reformatories, but they had no jurisdiction over them when sent to industrial schools. Adults were often treated in a similar manner, and with the same beneficial results. In such cases the conviction was invariably recorded when brought up next day.

The Rev. Mr. OSBORNE.—Of 3,988 children committed to reformatories during the past four years, 974 were first convictions, 563 were second, 309 were third, 137 were fourth, and 60 were fifth convictions, leaving 1,944 who had never been convicted before.

Mr. SHEPHERD said that in the West Riding of Yorkshire, where there was a large number of reformatories, and the children sent to them were discharged on licence, about 7 per cent. returned to prison, but that when they were detained for five years, as in Scotland, above 30 per cent. of them so returned. It was not so much the detention that made them do so, as the want of hope held out to them.

Mr. BALME said they had adopted the system of sending boys up to twelve years of age, when first convicted, to industrial schools, and the system seemed to work well.

Mr. MARSHALL considered that the police magistrates were often puzzled to know what to do with boys. He had known cases where they had sent boys to reformatories for breaking windows, which was decidedly wrong, but at the same time as to adopting any arbitrary test it would never work. He thought that in all cases the magistrate should state his reasons for sending a boy to a reformatory.

Mr. BARUCHSON of Liverpool pointed out that in Holland, boys and girls up to twelve years of age, when convicted, were invariably sent by the magistrates to reformatories, and never to prisons, while mechanics and tradespeople preferred the boys coming out of these, as apprentices or servants, rather than those who had never been convicted.

Sir WALTER CROFTON wanted to know, whether, in the experience of the managers of these reformatory schools, it was found necessary at times to send some of the parties sent there to the common gaol on account of bad conduct, and if so, whether they took them back into the school from the gaol they had been sent to. If that was the practice, it would raise the question whether there should not be some penal reformatory established for the purpose.

The PRESIDENT.—Miss Carpenter suggested in her paper that there should be some penal system as to separate confinement.

Sir WALTER CROFTON considered that the Government would be the proper authority to interfere in that case, as if these parties were sent to the county gaols, and from them sent back to those schools, they might exercise a bad effect upon the others in such schools.

Mr. BRACEBRIDGE said his experience had been, out of 460 boys who had been in the institution with which he was connected, that but very few had been taken again after their term of confinement had expired, and those few had been boys who had not been licensed. He should, however, like to know whether a portion of Parkhurst Prison could not be appropriated for the purpose referred to.

Sir JOSHUA JEBB said the proposal to convert a portion of Parkhurst Prison into a reformatory had been frequently before the Secretary of State, but the objection which had occurred to him against the admission of boys was, that it would have required the masters of the system observed in reformatory schools to take charge of the few cases which might be sent there. Parkhurst was now, however, as good as any reformatory, and there could be no difficulty in taking boys into it. If, therefore, the proposal was made to the proper quarter, he should give it his support.

Mr. MACALLUM stated that he had had in his school some four or five boys whom he found it a hopeless case to attempt to manage, while they were apt to spoil the other boys in the school, and it would be a great relief if they had a place such as that which had been named, to send these boys to.

The Rev. Mr. FISH said he had found 3 per cent. of the boys who had been sent to him having been vagrants, unmanageable.

Mr. SHEPHERD said he did not think in their establishment that they would require to send many of their boys to Parkhurst, perhaps not more than two in a year, but those boys exercised a most prejudicial effect on the school, and it was necessary to do something with them. He sometimes got them into other establishments, where new scenes and officers had a beneficial effect in improving them, and he found that to be the case more particularly as regarded girls. Having such an establishment as that referred to would, however, be a threat to hold over them, and would, no doubt, have a beneficial effect upon them.

Mr. BAKER said he found the number of refractory boys much less now than they were some years ago, but still there were now and then a very few who might be profitably sent to such an establishment. He had never yet himself discharged a boy because he could not manage him, but there was no doubt that in some cases having such a threat to hold out to them would be beneficial. He should say 3 per cent. would be the outside of those who would require such treatment.

Miss CARPENTER remarked that the more experienced managers of reformatories became, and the better they understood the right mode of conducting them, the less necessity would they have of removing either boys or girls from them for misconduct. It was very important to the good discipline of a school that the inmates should feel that it contained within itself the means of controlling them. The school should be felt to be as powerful as a gaol, though the nature of that power was very different. She had known a girl misconduct herself most seriously in the hope of obtaining a discharge by such means, after being sent for a few months to prison! but after being made to understand that good conduct alone could lead to a shortening of her sentence, she submitted to the regulations of the school. Yet, in all reformatories, cases will occasionally occur where it is necessary, for the well-being of the other inmates, that some should be removed. Though she had never sent any girls to gaol for refractory conduct, yet, some years ago, she had sent four there because they were penitentiary cases, and had also absconded She did not consider it right for the other girls that these should be again asso-

ciated with them; she was therefore obliged to obtain a discharge for them on their release from gaol, and they were thrown on society. This was most undesirable, and she greatly wished that there were some reformatory of a more penal character than ordinary ones, to which such girls might be sent as, from their age or other circumstances, were unfit to associate with younger girls. But this should not be a convict prison, as some had proposed. The condition of these unhappy girls was an additional reason why every effort should be made for their reformation, which was not likely to be effected in a convict prison, associated as they would necessarily be with those who were advanced and hardened in crime. Besides, she had, from the commencement of the movement, upheld that all reformatory institutions should be under voluntary management, believing that the necessary conditions of a government official system would be most unfavourable to reformatory action in young persons. Some years ago, (in 1852), when giving evidence before the parliamentary committee appointed to inquire into the condition of criminal and destitute juveniles, she had pointed out strongly what she considered to be radical errors in Parkhurst Prison as a reformatory institution; she founded her statements on the official reports. She subsequently visited Parkhurst, and found her opinions confirmed; for while there appeared to be every effort on the part of the officers to do their duty, it was impossible for them, under the existing system, to produce a good public opinion among the 600 inmates; gambling could not be suppressed among them, even in chapel; and she had never met with any youths who had come out reformed from thence. One young man who had a good character there and left before the expiration of his sentence, with a gratuity of £5, she undertook to emigrate from Bristol, as he was the brother of one of her own scholars. Everything was completely arranged for him, and he was supposed to have sailed to Boston, U.S., but a few weeks afterwards she found him in Liverpool Gaol, under a charge of housebreaking. He was convicted and sentenced to fourteen years' transportation. She would not, therefore, send any one to Parkhurst. If the inmates were divided into family groups and a different system adopted, it might be different; but as at present organized, she would not wish it employed in connexion with our reformatories. She then proceeded to say that she thought the licensing system very valuable, as enabling managers to test the characters of their scholars before dismissing them. As long as a young person is under the care and discipline of a reformatory, it is impossible to speak confidently of his character. The same is still more the case with respect to girls, who are placed under greater confinement. The better the institution the more difficulty was there in confidently predicating what the young person would be when beyond its walls. She had therefore adopted an intermediate stage on the same principle as that so admirably developed by Sir Walter Crofton in the Irish Convict Prison. Connected with the Red Lodge was a small house where the more advanced girls had greater liberty, and were thus tested as to their fitness to enter the world. With this arrangement the public felt confidence in the reformation of the girl, and she had no difficulty in putting them out on licence.

Sir W. Crofton said they had now two systems advocated before them, the one being the voluntary institution advocated by Miss Carpenter, and the other the establishment to which Sir Joshua Jebb had referred, and which he had said he would do his best to place at their disposal. Miss Carpenter seemed to be the only advocate of these voluntary gaols, but as it was doubtful whether they would get any one to support the establishment of them, he thought as Sir Joshua Jebb had promised them his assistance in getting the use of the other, that they should take advantage of his offer.

Sir Joshua Jebb said when he remarked that he had no objection to a portion of Parkhurst being appropriated for the purpose stated, he only gave his own opinion. The Secretary of State could, of course, at present send boys there

Reformatory Movement did not contemplate making reformatory schools adjuncts to prison discipline, but rather substitutes for it. The leading idea of the movement was to save children from the prison entirely. In proof of this, Mr. Osborne quoted from evidence given before the select committee of the Houses of Parliament. The Reformatory School Act, 1854, made it imperative that the child should be sent, for at least fourteen days, to a common gaol, prior to admission into a reformatory, and he drew attention to the administration of this law during the past five years. According to the judicial statistics issued from the Home Office, there have been 4,522 admitted to reformatory schools, all of whom have been, according to the Act, confined in the gaols. This number is very small compared with that which represents the extent to which the imprisoning of children prevails in our country. For during the same period the like authority tells us that 53,753 young persons under sixteen years of age have been incarcerated. Among these there were 7,939 females; and dividing the gross number into two classes, those under twelve, and those between twelve and sixteen, there were 8,278 in the former, and 45,475 in the latter. And among those under twelve years there were 1,147 female children. These figures represent the prevalence of the system which consigns children to the degradation of imprisonment.

Mr. Osborne concluded as follows:—"Having placed before you a very imperfect sketch of the extent and evils of juvenile imprisonment—having shown you, that notwithstanding the passing of Reformatory and Industrial Schools Acts, there appears no immediate prospect of its discontinuance,—having alluded to the sufferings of the children from incarceration and flogging, I must now direct your attention to the restrictive measure which I conceive absolutely necessary. In some parts of the country our magistrates have become, or are becoming sensible of the value of reformatory institutions, but in others little or no attention is paid to the subject; and as long as the gaol is open to receive children without any restrictions it is natural that very partial regard should be paid to any other mode of dealing with juvenile offenders. It is the old-fashioned, usual, easy way of treating them. But the restriction we suggest would necessitate arrangements being made by every bench of justices in England and Wales with the managers of industrial and reformatory schools for the reception of cases which require to be placed in such establishments.

It would cancel the clause in the Reformatory Schools Act which compels the magistrate, often contrary to his feelings and better judgment, to send the child to gaol. It does not presume to dictate how the offence should be dealt with in the first, second, or third conviction. This must (I conceive) be left to the discretion of the committing justice. It simply recognises the principle that the reformatory school should be tried before the gaol. There are some measures which we would have tried even before the reformatory schools, for it does not follow because the institutions are far better adapted than

gaols to the eradiction of crime, or rather to the implanting of moral and religious principles, and inculcating honest and industrious habits, therefore all young offenders, of whatever crimes they are guilty, should be placed in them.* The justices should have full power to act in one or other of the following ways.

1. *Dismissal with reprimand.*—They can dismiss any case of a trifling nature with a reprimand.

Occasionally in magistrates' offices even grave cases against children of the favoured classes are quietly disposed of. The like mercy is frequently shown to children of the poor; and the exercise of this power in dealing with children guilty of offences of a trifling nature is (we believe) productive of more good than evil. *Summum jus summa injuria*, has much truth in it. The apprehension of a child, the confinement in a station house (frequently a night) before examination, the public exposure, the formal investigation, &c., may be considered as sufficient punishment to the children and their friends for some offences.

2. *Sureties.*—Sureties for the future good conduct of the children, for securing their instruction and attendance at school, might be required, or recognisances may be taken under the Criminal Justice Act.

This would produce the most salutary effects on the children, their parents, and their connexions. Mr. Commissioner Hill, Recorder of Birmingham, received guarantees from parents and employers for cases convicted before him at the sessions. No punishment after sentence was inflicted. The results were most favourable.

3. *Detention.*—Short detention for a few hours in a station house after examination might be ordered, which, added to that previously endured, might be sufficient for some cases.

4. *Fines.*—A pecuniary fine might be inflicted on the parents for the child's offence. Their condition should be inquired into, and the amount of fine imposed accordingly, within certain limits.

5. A combination of the above-mentioned modes of dealing with offending children might be adopted, and render the following alternatives unnecessary. It is unwise politically and socially to interfere with the ordinary life of children without an absolute necessity.

6. *Pauper Schools.*—Children found destitute, guilty of repeated acts of mere vagrancy, or of some very trifling offence, scarcely indicating personal criminality, clearly attributable to poverty, orphanage, ignorance, or parental neglect, should be liable to be sent, under a magistrate's order, to the union house for a certain time, and there receive instruction in religious and secular knowledge, and training to useful and industrial occupations. Removal prior to expiration of the term mentioned in the order might be allowed, with the sanction of the magistrate making it, or of two magistrates when that of the former

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* This would be increasing a serious evil that is now beginning to be felt, the rapid filling up of our reformatory schools with cases that might be dealt with by milder measures.

cannot conveniently be obtained. The union authorities might deal with such cases as deserted children, and the parents or friends might have the right of appeal to the magistrates.

7. *Industrial Schools.*—Children, guilty of repeated acts of vagrancy, of assaults, breach of the peace, trifling thefts, &c., offences that indicate a very early stage, the incipiency of a criminal life, should be liable to be sent to an industrial school for twelve months or more, and the managers of such schools should, with the consent of the committing magistrates, be allowed to remove children, who are found upon examination to be unfit for their institution, to the union house.

8. *Reformatory Schools.*—Children, reputed thieves, companions of the lowest class in society, having friends of bad character, guilty of theft, those who would ordinarily be sent to prison under the Criminal Justice or Juvenile Offenders Act, should be liable to be sent to a reformatory school, and the managers of such schools should have the power, with the permission of the Secretary of State, to remove such as are unfit for such institution to any industrial school willing to receive them.

9. *Penal Reformatory Schools.*—There should be two or three reformatories in the country for the reception of such cases as require restraint and strict discipline, to which absconding and refractory children could be sent, by permission of the Secretary of State, on the representation of the managers of reformatory schools.

10. *Remanded Cases.*—In those few exceptional and rare cases which cannot be examined into at once, and where a remand may be necessary, the parents or friends of the children should be allowed to give bail (which need not be excessive) for their reappearance on a certain day, and when this cannot be given, the children must be detained in gaol on remand, which is a distinct thing from a commitment, and seldom lasts more than a few days. This use of the prison for children would seldom happen, as their friends would rather give security than such a punishment should be inflicted.

Under one or other of these heads nearly all the children that are committed to prison might be dealt with. Indeed, with only two or three exceptions, those that have come under my own notice during the space of nearly twenty years, might have been so treated. I submit this to your consideration. There is nothing particularly new in it. It partly asks for the same leniency which is given, and properly so, to cases of children belonging to other classes, and it partly entreats that each class of institutions designed for these children may be judiciously used. The pauper school for the destitute, the industrial school for the incipient infant offender, and the reformatory for the more hardened criminal child."

DISCUSSION.

Mr. Macallum considered that they were under a deep debt of gratitude to Mr. Osborne for the paper which he had read. "There had to the

adopted a much similar system to that he had pointed out, and for the last ten years the reformatory had been used for the purposes he mentioned. The magistrates had the power of sending children there under their local Act, and out of many hundreds who had been sent, he did not think he could point out six who had abused the house. When the children left the reformatory they generally did well, whereas, had they been sent to gaol instead, the chances were ten to one that when released they would have commenced thieving at the gaol door.

Mr. Baker said he should be sorry that all that Mr. Osborne had stated should go forth as the opinion of the meeting, as he thought that he had made several errors both in his reasoning and in his facts. He had said, for instance, that if a boy was sent to gaol it had the effect of corrupting his mind; but having had through his hands during the past ten years over a hundred boys, who had been sent to him from gaol, he did not find that to be the fact. Besides, as he had before stated, it was only one boy in eight in country districts who came up for a second conviction, and that also proved that the gaol had not such a contaminating effect as stated, and that being there once many of them were induced to go back again. He believed that the system of beginning with a very severe punishment for a short time, and then gradually reducing it, was a good system. It was not the stigma of having been sent to gaol that affected the parties, but the stigma of having been found guilty, so that so far as the original stigma was concerned, it was as bad whether they were sent to a reformatory or to a gaol.

Mr. Smith said he could speak from his experience, as a magistrate of Glasgow, that if he sent a boy to prison who had never been there before, he was running a great risk of manufacturing a criminal. When such, therefore, came before him, he was in the habit of postponing the sentence for one night, and next morning, after inquiries being made respecting the culprit, it often happened that he was admonished and discharged, or if not, sent to the reformatory; but he had the greatest reluctance to sending a child to gaol at all.

Mr. Macallum, in further corroboration of the beneficial effects of that system, stated that while Glasgow gaol was under the separate system, the number of prisoners had been of late years reduced by one-half.

Mr. Roundtree, of Leeds, quoted the testimony of Mr. Wright, of Manchester, to the effect that he had never known a boy sent to prison who was not rather hardened than improved by his being so. He would also state that his own visits to the prisons in Lancashire had led him to come to the same conclusion.

Sir Baldwin Leighton said, while he admitted the ability and the humane intentions evinced by Mr. Osborne's paper, he was sorry to say some of the statements he had made appeared to him to be greatly exaggerated. His own opinion was, that the boys of the rich were birched a great deal more at school than were those of the poor. He had himself seen a rich boy birched for stealing money at school a great deal more severely than the son of the poor man would have been had he been sent to gaol. In the House of Commons he had heard Mr. Hadfield mention a boy who had been severely whipped for stealing one apple, but it was not alone for the stealing of the apple that he was so, but on account of his notoriously bad character. As to what had been said about the infliction of a fine, it was out of the question, as there was no means of enforcing or obtaining it.

Colonel Oldfield said the question was, whether the parent was not to be held responsible for the child, provided he did not properly seek after and care for it, as if so he might be fined or punished for depredations it might commit. At all events, in the event of the father not paying the fine, the child could be sent to a reformatory.

INTEMPERANCE.

In addition to the papers of Mr. Beggs and Mr. Pankhurst, printed at p. 452, Mr. Theodore Rathbone made the following statement of

the views of the Liverpool Committee as to the present licensing system, the Rev. A. Steinthal having been prevented by illness from preparing the Report.

"The committee are unanimous in their condemnation of the present system, and I may add that the magistrates, including the Mayor, are equally so.

Whilst in Manchester, Leeds, and Birmingham, the practice of the licensing magistrates appears to be to consider the requirements of the locality, and to increase the number of licensed public houses for the sale of spirits only when a strong case of necessity is established, a large, and it is contended, an increasing number of the Liverpool magistrates are entirely opposed to this view, and advocate an unlimited grant of licences to all applicants of good character, possessed of what are considered suitable premises. Hence applicants for licences are unsuccessful on one day at one hour of the licensing sessions, when they would have been, and others similarly circumstanced have been, successful in their application for a licence on another day, or even hour of the same day, and the same mischievous uncertainty and irregularity, and consequent waste of the time and money of the applicants, occurs on appeals from the decisions of the borough to the county magistrates—the legal right of magistrates to grant or refuse licences at the unlimited discretion of the majority present during the licensing and quarter sessions of appeal, and on whatever grounds they may think fit, being, it appears, quite unquestionable.

The unanimous feeling of dissatisfaction with the position and results of the present licensing system has induced the borough magistrates to appoint a deputation, the Mayor being one of the number, to the Government, on this subject, and there seems reason to hope that the Chancellor of the Exchequer and the Secretary for the Home Department would be favourable to at all events a local Act, on a basis which your committee are agreed in thinking would best remedy the very serious evils arising from the present system of licensing, and try the experiment where they are most severely felt. What, therefore, your committee has to suggest, is that by the proposed bill the present system of excise licences to beer-houses, which are found to be still more demoralizing and injurious than the licence of public houses, should be abrogated, and that there should be but one description of licence for the sale of fermented liquors in public houses, for which a fixed annual payment, and a further charge proportioned to the rateable value of the house, should be made, the licence being then granted to any applicant of approved good character, and possessed of suitable premises, and, as at present, subject to forfeiture on the annual reports of the police as to the way in which the house has been conducted.

Your committee has further thought it desirable to have some communication with a well known and influential body in Liverpool, the Licensed Victuallers' Association, and they are not without hope that if due regard be shown to existing interests in the proposed

arrangements, the concurrence of these important interests may be secured."

The Rev. DAWSON BURNS read a paper on "The Anti-social Influences of the Traffic in Alcoholic Drinks," in which he observed that trade, as a social action, must ever be subject to legislative interference. That interference had often, in former times, been meddlesome and mischievous, and the present liberal policy of Great Britain met with his warmest approval. But, on the other hand, there was a great fallacy in denying any limitation or prohibition whatever, as some were inclined to do. Some trades deserved absolute freedom, others limitation, and others entire prohibition. That was the policy acted on by this country, to a certain extent. We gave perfect liberty to the miller, restricted the selling of fireworks, and pointed our guns against the traders in human flesh. The very reason why the fetters on international trade were being slackened, viz., public utility, supplied the principle by which our estimate of existing trades in regard to legislation should be governed. That the liquor traffic was inimical to the interests of society had often been proved. Its evils were patent; society suffered, and had a right to adopt the mos tefficient precautions in its power against that suffering. Suppose that public opinion in this country should come to the conclusion that the gain of the liquor traffic is insignificant, if any, the injury incessant, universal and overwhelming, can it be doubted that it would act consistently and constitutionally by invoking legislative prohibition of the traffic? Such a national opinion did not exist, but public opinion of a local description did, and Mr. Burns argued from this in favour of a permissive bill for the suppression of the traffic in intoxicating drinks. Such a measure, he held, would be in accordance at once with the right of society to self-protection and the principle of local self-government.

The Rev. DAVID MACREE, in a paper on "Intemperance and Ragged Schools," expressed his conviction, founded on fourteen years' intimate acquaintance with the class from which ragged-school children are drawn, that most of the ignorance, wretchedness and vice, which have led to the necessity for such institutions, might be traced to intemperance, and that they must fall far short of their desired result if temperance reform were lost sight of. Temperance societies and restrictive legislation he considered essential to the future welfare of the poor man's child.

Mrs. BAYLY, in a paper on Workmen's Halls *versus* Public Houses, gave an account of the establishment of the Workmen's Hall, Notting Hill. The money necessary for its construction and preparation was lent by Mr. Samuel Gurney at 5 per cent. interest. On the basement floor are hot and cold baths at 2*d.* and 4*d.* each. On the ground floor is a coffee room, library, and bar where refreshments are sold. On the first floor are the lecture room and committee room; on the second the Bible mission room and three rooms for the use of the governor of the house and his family. The expense of

keeping up this institution for one year has been £183 15*s*. The sources of income are the payment of 2*d*. a week by each member resorting to the hall; the profit arising from the sale of tea, coffee, &c.; rent of bath rooms on basement £20 per annum; Bible missionary room £10, and an occasional letting of the lecture room. The establishment was opened on the 1st of April, and up to Christmas the expenditure exceeded the receipts. Since that time there has been so large an accession to the number of members that the average receipts of the quarter ending the 25th of March show that the institution is now self-supporting. Classes have been established in connexion with the hall, taught by ladies and gentlemen, and some of the members have formed themselves into a district visiting society, for the purpose of gaining adherents of their own class to the temperance movement. Mrs. Bayly describes the effect of the presence of this institution upon the surrounding neighbourhood as extremely beneficial. She states the results as follows: "Since the first formation of our temperance society in January, 1860, between 1,300 and 1,400 have signed the pledge. It is difficult, indeed impossible, to ascertain with any degree of correctness how many have continued faithful to their pledge; but general observation alone will be sufficient to convince any one that we cannot have less than 800 or 900 staunch teetotallers amongst us. Many of the men now members of the Workmen's Hall have confessed to having for years been in the habit of spending from £1 to £3 per week in drink, some having even exceeded this. To spend only six or seven shillings a week in this luxury is spoken of as so moderate a thing, that such a one need hardly join the society at all. Taking the number of total abstainers as low as 600, and that the average saving effected by each amounts to ten shillings per week; this (without reckoning for time saved and property not destroyed) will show the actual money rescued from drink by this one society, in one year, to amount to £15,600."

The money thus saved has been spent in procuring domestic comforts and conveniences. The testimony of the city missionary, the doctor, and even the tailor of the district is brought forward to prove the prosperity and happiness which is spreading round this little centre of social improvement.

DISCUSSION.

Mr. Mostyn remarked that he had no doubt the crying evil of intemperance was one which they ought to do their best to remedy; but the question was whether legislative action was the proper mode to pursue for that purpose. They had, as they were no doubt aware, in Scotland very restrictive measures on this subject. They had what was called the Forbes M'Kenzie Act, which at first had appeared to diminish intemperance considerably, but the ultimate effect of which had been to cause people to have recourse to other means of procuring drink, and in fact the vice of intemperance had become worse than formerly. He had but little faith in these restrictive measures, and he believed that in America the Maine Liquor Law had decidedly failed. In the State of Maine itself he was given to understand it had done so.

Mr. Raper said he could not understand how the state of matters which

had just heard should exist in Scotland, as a Royal Commission which examined into the Licensing and Drinking system in Scotland in July, 1861, reported that the Act which had been referred to had been most effectual in repressing and diminishing drunkenness in that country.

Mr. MOSTYN explained that he stated in the outset that Forbes M'Kenzie's Act had at first had a most salutary and successful tendency in diminishing drunkenness, but that it had now relaxed in that respect, and that the drinking practices were as bad as ever.

Mr. RAPER was delighted to hear the statement of Mr. Rathbone respecting the intentions of the Liverpool magistrates. Those intentions seemed to be that the magistrates were to go to Parliament to ask for powers to give licences to any one of sufficient good character, without any restriction being imposed as to the number.

Mr. RATHBONE.—The suggestion was, that the magistrates should have power to give licences to any number, but that the price of them being greatly raised, the number might be restricted by the rise in the price.

Mr. RAPER.—That was pretty much in accordance with the Report of the Committee of the House of Commons in 1853, which recommended that the number of licences should not be left to the discretion of the magistrates, but that it should be limited by the price charged for them. In Manchester the magistrates held to the system of diminution strictly, and during the last twenty years there had not been there an increase of a single public house, but while they had done so, an immense number of beer shops, over which they had no control, had risen up under the Beer Bill, and counteracted their exertions. He was of opinion that the magistrates should be relieved altogether from the granting of licences, and that the doing so should be placed in an independent body with power to increase them up to a hundred pounds should it be found necessary, which would be the most effectual means of reducing the number.

Mr. SMITH of Glasgow gave an account of the system which prevailed in Scotland as regarded public houses. All the public houses there were shut on Sundays. Under what was called Home Drummond's Act the public houses in Scotland were opened the whole of Sunday except during church time, from eleven to one, and from two to four, and at that time there were 2,300 of them in Glasgow, which was, however, now reduced to 1,600, notwithstanding the great increase in the population. By the passing of Forbes M'Kenzie's Act the Sunday opening had been put an end to altogether, and there was no Sunday drinking except what was carried on by means of illicit trading and in clubs. With these places the magistrates were at a loss how to deal. These illicit drinking places were called shebeens. A woman, who was notoriously the keeper of one of them, was convicted in the full penalty of a hundred pounds for having two gallons of whisky in her house, that being the fifth conviction she had undergone for the same offence. It being a revenue offence the magistrates had no power to mitigate the penalty, and it was the severity of it which in many instances created much of the difficulty they found in dealing with such cases. Then, again, with the *bonâ fide* traveller clause. It was an undoubted fact that in Glasgow many took advantage of this clause who belonged to the town, and when the publicans were brought up for serving them, the punishment was most severe, and here again the magistrates had no power to mitigate it. He thought a return to the system under Home Drummond's Act would be advantageous. Under that Act, when brought up a first time they were admonished and had a small fine inflicted on them, if brought up a second time the fine was increased, and if a third time they were deprived of their licence.

Mr. JOHN TAYLOR said he was opposed to all restrictive legislation, considering it to be unwise and to a great extent inoperative. The system was in fact a complete failure, and that there was a means by which temperance could be better enforced was well shown in Mr. Pankhurst's paper on the Permissive Bill. He had given great attention to the subject, and he believed that bill to be wholly impracticable both in principle and in detail; this bill seemed, in fact, to be directed more against buyers than sellers of drinks, and was based on the principle that no moral or right use could be made of

whatever. The principle not being proved, Parliament could not possibly sanction the bill. He was aware that some were of opinion that by asking for much they might probably get something, but the case oftener happened that in asking too much they got nothing at all. But supposing they were to get the measure passed, he did not believe it could be possible to carry it out. It would evoke a prejudice against the temperance movement which would retard rather than advance it. It would also be the means of putting an end to the moral means which were at present exercised in putting down drinking practices, and it was by those moral means alone that they could expect to carry out their object with success.

Lord RADSTOCK said as he had been a witness of the working of one point at least in this Permissive Bill he would say a word in respect of it. Some years ago he was in America, and he visited the state of Maine, where he had the honour of dining with the mayor. He very naturally asked his lordship what had been the working of the Maine Liquor Law, and he stated that it had been very good. He asked him further, whether it had put a stop to drinking, and whether any drink could be had in the state. "Well," the mayor replied, "you can't get brandy or wine, but if you ask for Uncle Sam you can get that." As to what Uncle Sam was, he could not tell, nor could he say whether it was alcoholic or not, but he supposed there was no doubt of that, as seen from its effects on those who drank it. He thought, therefore, that their object ought to be to prosecute not what was desirable, but what was practicable. No doubt what was desirable was, that drinking and drinking habits should be done away with, but as they had not the power to do that, the question was what was best to be done in order to arrive at some practicable remedy for an acknowledged evil. It might not be the fact that public opinion was strongly formed against drinking, but there could be no doubt that it was decidedly against drunkenness. They must, therefore, perhaps make a distinction between drinking and drunkenness; but he had no hesitation in saying that the present licensing system was responsible for a great deal of both. Some years ago he took a deep interest in this matter, and in order to satisfy himself on the subject he watched the system of operations at the different public houses. There was one house, a long established one, kept by a respectable man, in which a case of drunkenness was never perhaps seen. If a person went into it the worse for drink, and asked for more, the landlord said, "No, you have had enough, and you may go." That, therefore, was a great check to drunkenness, and if therefore, instead of, as under the present system, placing the licence on the house, they placed the responsibility on the man who kept the house, and licensed none but respectable men who would not encourage drunkenness, they would do much to suppress it. Follow a poor man into a public house, and see him get glass after glass until he was in a state of brutal intoxication,—could they, he would ask, make the landlord of the house responsible for that poor man's drunkenness? He believed they could. They knew the difference in the drinking customs which prevailed in a respectable and disreputable house. In Claridge's Hotel, for instance, cases of drunkenness never were seen, but were they to go to the street just at the back of it they would find in the houses there innumerable cases of drunkenness during the day as well as during the night. If, therefore, they were only to license such men as from their character and respectability could be made responsible that cases of drunkenness would not occur on the premises, a considerable stop would be put to it. He would, therefore, have the matter granting licenses placed in the hands of the Government, and he believed were this system of guaranteed licensing of the man, and not the house, to be adopted, that a great public good would be effected. He thought, therefore, that the parties who took an interest in the subject ought to come to some arrangement upon it, in order that they might adopt some regular action in respect of it. He was of opinion that if they resolved on putting down the system of beer shops, if they advocated one uniform system of licensing, if they advocated that system of having the man licensed not the house, that they might become a united body, and be enabled to [illegible] of good.

Mr. RATHBONE said there could be no doubt that so long as men, upon the faith of the licences granted them, invested a large sum of money in the house they were licensed for, that the magistrates felt a reluctance in treating them harshly. But if they made the man responsible for the character of the house there could be no such compunction.

Mr. POPE said he agreed with Lord Radstock in a great deal of what he had stated. He agreed that if they could, by legislative means, guarantee that no drunkenness would take place in houses to the occupiers of which licences were granted, it would be a great thing. Lord Radstock had referred to America, but, considering the state of society in America as regarded the administration of the law, he did not think it was any great authority on the subject. There the judges were elected by the people, and constantly, therefore, at every election in districts where the Maine Law was opposed, the contest would be between a judge who opposed it, and another who favoured it. Besides that, the states which had been referred to by Lord Radstock were places where a large portion of the inhabitants were natives of their own country, who, instead of going through to the West, where they might rusticate in plenty and comfort, were stopped short in their career of fortune-seeking by the attractions of Boston and New York, and sank into degradation and dissipation, not a few of them into crime. These people were of course the sworn foes of the Maine Liquor Law. Lord Radstock had also referred to the distinction there was between drinking and drunkenness. He did not deny the distinction, but at the same time he thought no one could deny that there was in all drinking a certain amount of risk of drunkenness. The fact was, they could not have a trade in drink, no matter how respectable the house might be, or how high the character of the landlord of it might stand, without the almost certain result of drunkenness. The risk was so great that there was no way of getting rid of it, but by getting rid of the cause which induced it. In the case of gunpowder, Parliament prevented parties from having more than fifty pounds of it on their premises at one time, and why? not because there was a certainty that every ounce of gunpowder they might have above the fifty pounds would explode, but that there was a risk of its exploding. He maintained therefore, that as in the case of gunpowder they could not diminish the risk without these stringent restrictions, neither could they do so in the case of the trade in drink. He would give another illustration, namely, the rock oil of America. It was a useful commodity, more so in fact than gunpowder, but at the same time of a more explosive character, and the consequence had been that insurance companies had refused to recognise it in their policies as an article of insurance on the ground of the risk there was of its explosion. He at once agreed with those who opposed this bill, that the principle of it was to place the power of prohibition in the hands of the public opinion of the district. But that was not a new principle. In fact it was observed in all the relations of life. As regarded society, no one was in possession of absolute rights, or in plain terms, they could not exercise any rights they might be in possession of to the injury of their neighbours. If therefore in respect of this licensing system, and the drinking customs of the country, people had placed in their hands by the law as it at present stands rights and privileges which injured their neighbours and the community at large, who could deny that these neighbours and that community had a right to interpose and to pass their judgment upon those privileges, and get them repressed if they could? That was all they wanted. In the estimation of a large portion of the community, this trade in drink was an annoyance to them as well as a disgrace to the country. If, therefore, it was possible, let it be restricted, but if that was not possible, let it be entirely prohibited.

Mr. CROPPER called attention to the paper which had been read by Mr. Rathbone, in respect of the resolutions of the Liverpool magistrates on the subject of the licensing system. He most sincerely hoped that the efforts of these gentlemen would be effectual in restricting and restraining the trade in drink. It was an attempt to limit the number of public houses by placing upon them very high licences, and as it was a most important matter, he hoped the public would keep their eyes upon them that they might see the progress they were making in their experiment.

Mr. George Taylor considered that there was nothing in drinking which placed it out of the ordinary character of any other vice, and therefore he could not see how legislative interference should be sought for it more than any other of the vices which prevailed in society. It gave rise to no more morbid feelings than did the indulgence in any other vicious habit, and why therefore should it be treated in a different manner? Gluttony was as bad if carried to a great extent, but no one ever thought of going to Parliament for an Act to prohibit people from eating. In the days of the Fieldings and the Smolletts drinking was carried to a far greater extent than now, but legislative measures were never then thought of as necessary for its repression, while as the age proceeded, and the march of improvement, and refinement, and education went on, it had dwindled down to very small dimensions; whatever remained of it would gradually disappear as that march of improvement proceeded, and as the moral principles and susceptibilities of the age still further developed themselves, but it was by such means and not by Acts of Parliament that it could be eradicated. As regarded America, he had the best authority for stating that the measure had failed there.

Mr. Macree pointed out the necessity for similar institutions being established throughout London, as those recommended in Mrs. Bayly's paper. In Whitechapel, Bethnal Green, Islington, and St. Giles, there was the greatest use for them, as, in their absence, people who might resort to them went to public houses. In regard to the destitution which prevailed in these last-named places, e stated that he had visited several of its localities in the district. In a portion one of the streets he found 3000 persons located, some of the houses being nhabited by five and six families, and in one room of one of those houses he found one bed where he was told six individuals slept, these individuals being a man and his wife and child, and the brother of that man, and his wife and child. Another street he visited, he found inhabited by 2,200 of a bad population, while in many of the houses as many as six families were located, together with nineteen children. In such places it was therefore impossible that moral or social reform could be carried out to any extent, and their object therefore ought to be to get better dwellings for those parties, or at all events to provide those houses or halls referred to in Mrs. Bayly's paper, to which many of those who were compelled to inhabit such places, might resort instead of going to the public house, which was, for the want of such places, their place of recreation. He had spoken to many of those men on the subject, and what they told him they wanted were public houses without drink, and he hoped these would be provided in the shape of Mrs. Bayly's halls.

Dr. Martin of Warrington said it was useless to propose the putting in operation reformatory schemes and permissive bills, unless they provided places where the people could resort in something like comfort. As regarded this Permissive Bill, he considered that if carried through Parliament and brought into operation, or if attempted to be brought into operation, for it could never properly be so, it would be the means of producing almost a revolution in the country. Its advocates talked about the large majorities of the people in different districts of the country who were in favour of it, but he confessed he had no faith in these, and if he were to judge of all of them from what he was aware to have been the case in Bristol, he should be greatly strengthened in that opinion. There the President of the Licensed Victuallers' Society had gone round after the petition was got up in favour of this measure, and he boasted, and he had no doubt of the fact, that he had got a large majority of the inhabitants to sign a petition to Parliament against it. He had, however, no faith in the mode in which public opinion had been attempted to be got up in favour of it. It had been so by one of those fallacious means which, when the time came for testing its sincerity, would be sure to fail. The fact was, that if the measure was passed it would make matters worse than at present. They would have elections, in addition to all their other party cries and tactics, saddled with an additional cry for its adoption or rejection in particular localities, and there was no doubt that the Licensed Victuallers in those localities and districts, seeing that their very existence and means of living were perilled should the provisions of such a measure be brought into operation,

among them, would have recourse to every means, either by bribing people, by libations of drink, or otherwise, to prevent the return of the man who would support it. In that way then elections would be turned into scenes of riot, and confusion, and uproar, while no especial benefit would be conferred upon the community. The gentlemen from Edinburgh and Glasgow who had spoken on the subject had told them what had been the effect of the repressive and restrictive measures which had been adopted in those places, and he thought they ought to take a warning from these and not attempt to impose any legislative restrictive measures on the subject, as it was a matter which could only be carried out by the adoption of moral and social agencies.

Mr. SULLIVAN considered that there was some portion of the Permissive Bill so ridiculous and impracticable that they could not get any one in Parliament to support or introduce it. He was one of those who lamented the serious amount of drunkenness which prevailed in the community, and which he believed to be of late greatly on the increase, and he was sorry that some more practical measure than this had not been devised for its repression. He thought such a measure might have been devised. One great mischief in country districts was, that while they might succeed in limiting the number of public houses, they could not prevent the place from being flooded with beer shops. If, then, they had expended their strength in devising means for putting a stop to that evil much more good would have been effected than by expending and wasting it in fighting for an impracticable measure of this description. Then, again, if they were to exert themselves in getting the same system introduced in England which prevailed in Scotland, and have the public houses shut up on Sundays, that would be a legitimate and advantageous means of expending their strength and their exertions, but if they persisted in losing sight of these objects, and continued to battle for the introduction of this measure, he considered that they were spending their strength in vain, for its chief provisions were such as could never be carried into effect in this country.

Mr. MCCARTHY said he did not believe, from all that he could see of society, that drunkenness was on the increase. In fact, he believed the contrary to be the case, and he therefore could not see what benefit could be effected by the introduction of such a measure as the one now advocated. If, as had been well remarked, they looked back to the times of the Fieldings and the Smolletts, there then might be some reason for the arguments of the advocates of such a measure. But since their day times had changed, the drinking customs of their country had undergone a revolution, and at the present time drunkenness was the exception, and not the rule. It had almost disappeared from the higher classes of society, and the same agencies which had banished it from them would permeate down through the other classes, and banish it from them also in a much more effectual manner than any Act of Parliament could do. Even were such a measure passed he did not believe that it could be carried into effect. It might, and no doubt would, on election occasions, form a good party cry, and some friends of his he believed were high in hopes of getting into Parliament on the strength of it; but granted that they were to succeed in passing it into a law, how could they carry it out? It might be that the people of Westminster would adopt the measure, while, upon the other hand, the people of Lambeth might refuse to do so, and what would be the state of things in consequence? Why, the public-house keepers in Lambeth would rejoice in the fact of their neighbours in Westminster having all at once banished public houses from amongst them, as they would be enabled to make fortunes in consequence, for the Westminster people had only to go across

efforts he had no doubt would be beneficial to the community, but they would be so something in the same manner as the efforts of the man in the fable digging for gold in his garden were to him and his family; while they might dig and dig and never come upon the pot of gold, their efforts in seeking for it might, by turning up the soil, have the effect of converting what was formerly a barren waste, into a fruitful and profitable field. Lord Radstock had referred to the case of Claridge's Hotel, in order to show that no one ever got drunk there, and contrasted it with the public houses at the back of it. But every one knew that Claridge's was not a place which working men frequented. People might, and perhaps did, get drunk there, if they had a mind, and no one knew or cared anything about it, but the contrast was unjust and not at all to the purpose. They were not conspicuous to the public, while those who frequented the houses at the back of Claridge's were, and it might be that there was greater hope of sooner repressing a vice which showed itself in the streets in the broad light of day, than one which operated behind scenes.

Mr. NOBLE argued in favour of the Permissive Bill, contending that it could be carried out without any disadvantage to society, as there could be no doubt that the same liberty which gave them the power to retail an article gave them also the power to prohibit its being retailed.

Mr. STEWART, from Edinburgh, testified as to the effect which Forbes M'Kenzie's Act had had in suppressing drunkenness in Edinburgh, as evidenced in the diminution of police cases on Monday morning, and in the number of criminals in the gaol; but contended that the Permissive Bill, as it would inevitably be an inoperative measure, would have a prejudicial rather than a beneficial tendency in that respect.

Mr. MACALLUM also showed the effect which that measure had exercised in Glasgow and the neighbourhood, and argued that were such a measure as this Permissive Bill passed it would be the means of still further repressing, if not of altogether eradicating the vice of drunkenness.

The PRESIDENT said he was entirely in favour of Mr. Pankhurst's view of the subject. He did not believe that Parliament could be induced to pass such a measure as the Permissive Bill, and if it did, he doubted much whether it could be carried out. If they were to pass such a law on the subject, matters might turn out the same as in America,—the public opinion which enabled them to adopt such a law in one place, might be the means of preventing the adoption of it in another, while, over and above all that, drunkenness was a vice and had ever been recognised by the law as such, and he had never yet known any vice put down by Act of Parliament. All moral reforms, and this was one of them, must be carried out by moral agencies brought to bear from within; and while no one would more rejoice to see the vice of drunkenness abolished, he was satisfied that it could be so by no other means, and that the attempts to do so by means of this measure would prove utterly abortive.

MISCELLANEOUS.

The Rev. JOHN P. BURT, Chaplain of the Birmingham Borough Prison, made a statement on the local causes and amount of crime in Birmingham. He began by observing that a distinction was to be observed between the causes of crime in an individual, and the causes which determine the amount of crime in a given locality. A paper read by the same writer before the Association, at Birmingham, in 1857, had entered rather fully into the causes of crime in individuals; he therefore limited himself upon this part of the subject to stating some results of subsequent observation. He had found a very great disparity between the number of prisoners able to read, and the number acquainted with arithmetic. Among prisoners committed to

the Birmingham prison in 1861, about 35 in 100 were unable to read, and 86 in 100 were wholly ignorant of arithmetic; 24 in 100 could read well, and only 1·5 in 100 were well acquainted with the compound rules of arithmetic. It was submitted that the number able to read imperfectly or well was evidence that prisoners have received extensively some systematic instruction; and that the extreme smallness of the number who acquire a knowledge of arithmetic may be accepted as evidence that, as a class, they possess less than average mental capacity. Mr. Burt stated that he had ascertained the number of the prisoners who had received instruction at schools. Among the prisoners committed to the same prison in 1861, 76 in 100 had attended day-schools, 70 in 100 had attended Sunday-schools, and 87·5 in 100 had attended either day-schools or Sunday-schools. Among 1,650 prisoners examined, 417 had attended day-schools from 2 to 5 years, 288 from 5 to 10 years, and 38 above 10 years. But the amount of ignorance among those who attended schools for long periods was very great. Of 417 persons who had attended day-schools from 2 to 5 years, 352 were wholly ignorant of arithmetic, 178 were unable to write, only 12 could write well, and only 9 were well acquainted with the compound rules of arithmetic. Of 288 persons who had attended day-schools from 5 to 10 years, only 151 could read well, only 35 could write well, and only 14 knew the compound rules of arithmetic. These returns corroborated the inference that criminals, as a class, possess less than average mental capacity. Another feature in the educational returns for the same prison was noticed. The number of the commitments had decreased considerably in 1860; in 1861 it had largely increased. But when the number of the prisoners decreased, the state of instruction among them increased proportionally; and when the number of prisoners increased, the state of instruction among them decreased.

It was noticed that through the great fluctuations of crime in Ireland during and after the famine, the state of instruction among prisoners in some manner varied inversely with the increase and decrease of the commitments. It was further noticed that the increase of crime, both in Birmingham and in Ireland, had taken place under the pressure of want. These facts, taken together, suggested the inference, that a distinction was to be observed between the effect of ignorance upon those who commit crime under adverse circumstances, and its effect upon those who are criminal habitually. It was inferred that where a habit of crime is contracted, a little more or a little less of knowledge does not materially influence the criminal; but that when the pressure of want among a population is excessive, those who are the most ignorant will fall victims to it in the greatest number. Mr. Burt then stated the result of an inquiry into the connexion between pauperism and crime. The borough prison at Birmingham was opened in 1850, and from that year to 1861, a period of twelve years, the number of paupers relieved in the parish and the number of the commitments to the prison had ebbed together

and flowed together, year by year. But the fluctuations in the number of commitments were not so great as the fluctuations in the number of paupers. One inference deduced from this greater constancy of the amount of crime was, that there are causes operating powerfully to produce crime, which are permanent, and independent of the varying pressure of general distress; but that among the causes which determine the great fluctuations in crime, the pressure of want is paramount. It was his opinion, that the great producing cause of habitual criminals was the criminal classes already existing. Crime was reproductive. This opinion was deduced both from extended observation and from the character of habitual crime.

Mr. Burt deduced from these premises that the amount of crime in any locality will be determined, partly by the number of persons in a population possessing less than average mental capacity, partly, and especially in times of distress, upon the amount of ignorance among a population, partly upon the presence and upon the extent of an existing criminal class, partly by the extent to which the population was subjected to the pressure of poverty, and obviously by the accumulation of valuable property in places which make it easily available for plunder. It was then pointed out that all these conditions are found combined in the highest degree in towns of the first magnitude. The criminal returns for England and Wales were adduced to verify this general deduction. The five largest towns in England are London, Liverpool, Manchester, Birmingham, and Leeds. In 1860, the commitments from these five towns, the county of Middlesex being included, were in the proportion of 987 in 100 of the population; from the rest of England and Wales they were in the proportion of only 1 in 244.* Birmingham being the town which ranks fourth in size, the rate of crime, according to the laws which generally determine its amount locally, would be very high in this borough. But the writer stated the remarkable fact that the rate of the commitments in Birmingham is lower than the rate for all England and Wales, very little higher than the rate for the rest of the kingdom when the five largest populations are excluded, and very much lower than in any other of those large towns. The rate in all England and Wales, was in the proportion of 1 in 193 of the population; in Birmingham, 1 in 213; in Middlesex 1 in 99; in Liverpool, 1 in 60.

But what was more remarkable was the statement of the low rate of the commitments of women in Birmingham. In all England and Wales, the rate was 1 woman committed in 670 of the population; in Birmingham, it was only 1 in 883; in Middlesex, it was 1 in 279; in Liverpool, 1 in 119. A rate of commitments so remarkably low he submitted to be evidence that there must be moral agencies at work in Birmingham which go far towards counteracting those causes of crime which would otherwise raise the rate very much higher.

* The Judicial Statistics for 1861 were not published when this paper was written; the commitments therefore were taken for the year 1860, and the population for 1861.

it is. The paper concluded with a short description of prison discipline at Birmingham.

Mr. E. SHEPHERD, Governor of the West Riding Prison, Wakefield, read a paper upon the Necessity of Reformatory Discipline in County and Local Prisons, in which he showed, from the official returns, that the number of first committals had decreased from the average of 120,398 per annum in the ten years before 1858, to 108,000 in the two subsequent years. This proved that crime was being reduced by means other than the discipline of the prisons, whereas the almost stationary number of the old offenders who were recommitted afforded evidence that the present system of punishment was not successful in repressing crime. Something more than punishment was required to deter from crime, because the fear of punishment would only operate to make a criminal follow the rules set before him while in prison, and he would generally relapse, as soon as he got free, into his old habits. Moral and religious teaching, however, had the most beneficial effect, and though the benefit might not be noticed at the moment, it would often bring forth fruit after many days. He also advocated short sentences for first offenders, as the best repressive system, and long sentences for habitual criminals, as giving the only hope of reformation.

Mr. VAUX, Mayor of Philadelphia, contributed a paper on "The Importance of Penal Discipline as an Element of Social Science." His paper consisted chiefly of a curious analogy between moral and physical disease. Crime was the result of diseased, abnormal, unhealthy development; and mental, moral, and industrial education, were its preventives; while a penal system ought to furnish curative agents adapted to the symptoms of the disease as exhibited in individuals and classes.

Mrs. SAWYER contributed a paper on "Workhouses and Reformatories." She insisted on the necessity for classification in workhouses, and suggested that, according to classification, indulgences should be allowed, especially to the sick, infirm, and incurable. Industrial work should also be provided for old and young, and an allowance on the profit of its sale or valuation be placed to the credit of the inmate. She expressed an opinion against reformatory schools for girls, believing that no good could result from bringing together a number of girls of the worst description. She proposed a penal, cellular ward attached to workhouses, where separation would prevent contamination. After some time spent in separate confinement, girls might attend the workhouse school. These schools were very good. They had been provided with the machinery of education, with efficient masters and mistresses, and they were inspected by Government, but since so many institutions had been opened, the numbers of children attending them had so diminished that it was almost useless to keep them up. She thought this plan would also have the advantage of leaving the character of the child free from the stain of crime.

REPORT OF THE DEPARTMENT.

At the conclusion of the proceedings the Department agreed to report to the Association the following results of its deliberations:—

It appears to the Department that further inquiry is required with regard to the results of prison discipline in England and Ireland; and the Department therefore recommends to the Council to appoint a sub-committee to obtain statistics on this subject, for the further consideration of the Association, and the information of the public.

With respect to reformatory schools, it appears to the Department that it is desirable to extend the period for which licences may be granted by the managers beyond the one month allowed in England, the period in Ireland being twelve months.

The question of a penal institution for youthful offenders, when their presence in the ordinary reformatories is prejudicial to the other inmates, is also considered of pressing importance.

PUBLIC HEALTH.

THE CONDITION OF THE PUBLIC HEALTH.

Report on the Health and Mortality of Birmingham. By THOMAS GREEN.

IN the year 1857 I prepared a series of tables from the quarterly returns of the Registrar-General, to show the mortality of Birmingham as compared with four of the neighbouring towns, and with London, Manchester, and Liverpool. I have now continued those tables up to the end of 1861.

The return then made for Birmingham extended over a period of eighteen years, which, being divided into three equal portions, showed a death-rate of 26·03 per thousand in the first, and of 27·29 per thousand in the last portion—being an increased death-rate of 1¼ per thousand, which is equal to 227 lives annually. Since then there has been a slight diminution in the death-rate.

There are several points in the accompanying tables which are well entitled to an attentive consideration. First, it will be seen that, during the last five years, there has been an average decrease in the death-rate in all the eight towns, compared with the average of the previous seven years. A decrease varying in amount from ·23 per thousand in Dudley, which is the lowest, to 3·14 per thousand in Wolverhampton, which is the highest. In Birmingham it is only ·85.

That this decrease is not due to local causes, or only partially so, is obvious from the fact that the average death-rate for the whole of England during the last five years, as compared with the previous five, was low, indicating the operation of some general cause acting pretty equally in all parts of the kingdom; and this will appear more evident by the further fact that this low average is mainly owing to the very small number of deaths which occurred in the year 1860, the low death-rate of that year being unquestionably due to atmospheric and not to local causes.

Still, the efforts made by the public authorities of Birmingham in the promotion of sanitary reform must have had considerable influence in keeping down the death-rate. Foremost among those measures is the change in the water supply, which for some years has been obtained mainly from the Hawthorn Brook and the Perry Stream, the water of which is good; whereas, previously it was procured entirely from a very polluted source, the River Tame, a

stream which, before it reaches Birmingham, runs for miles through a most populous district, whereby its water is contaminated with animal matter to such an extent as to render it quite unfit for drinking and culinary purposes. It is much to be regretted that this water is still occasionally made use of; but, I am told, only for a few hours at a time, at considerable intervals, and never unless it is perfectly clear. The regular inspection of lodging-houses, with a view to their cleanliness and ventilation, and to prevent overcrowding, has had a decidedly good effect. Contagious fever, which used to be common in those places, is now of comparatively rare occurrence. The vigilant inspector of nuisances also wages a constant war against smoky chimneys, pigstyes, and similar abominations, all of which are gradually lessening in number. And through notices given by the same officer, under the Nuisance Removal Act of 1855, nearly 1,200 private drains from houses, courts, and cesspools, into the main sewers, have been constructed during the last five years.

But among all these advances, there is one fertile source of disease and death, perhaps the most prolific of all, which has been almost entirely overlooked, not, I believe, from want of the will to remedy the evil, but from want of the power to do so. I allude to the gin shops. Where the vice of drunkenness is openly encouraged by the glaring attractions of gin palaces, not only disease, but crime and immoralities of all kinds will abound among the people who frequent them. And, unfortunately, the evil does not stop with the actual transgressor, for in this case, as in many others, the sins of the parents are visited upon the children. It is a fact, well known to many, that the offspring of drunkards are, for the most part, a degenerate class, stunted in growth, deficient in physical stamina, weak in intellect, and prone to the vices of their parents. I am pleased to add that a few months ago the magistrates of the town deprived these pests of society of one great attraction—music; and with the discontinuance of music, dancing must cease also.

Much, however, as has been done in the way of sanitary reform, a vast deal more must be accomplished before Birmingham can take its proper place in the scale of health. And here I cannot avoid alluding to the want of an Officer of Health for Birmingham—an officer whose functions are all-important to the well-being of the town; within the sphere of his duties there is a greater scope for benefiting his fellow-townsmen than in any other corporate office. In proof of this position, I may refer to what has been done by officers of health in other towns, and especially to the successful exertions of Dr. Duncan of Liverpool, who, since his appointment, has been the means of saving some thousands of lives. Had there been such an officer during the last five years, and had his efforts been properly supported, I am confident that the death-rate of Birmingham would not have been above that of London; nor would the materials for a report on the health and mortality of the town have been far and wide to seek, and in a great measure unobtainable.

Notwithstanding the late decrease in its death-rate, a similar, and with one exception a greater decrease having taken place in all the neighbouring towns, Birmingham contrasts even less favourably with those places now than it did five years ago. London still stands at the head of the list in point of salubrity; a position of which its authorities may well be proud, seeing that it is due to their well-organized sanitary arrangements; and the remarkable uniformity of its death-rate may probably be ascribed to the same cause.

Another curious fact exhibited in the tables is the general low rate of mortality in the year 1860—a year which was one of the wettest on record, and which was also remarkable for the low temperature of its summer months. In Birmingham the death-rate has not been so low as in 1860, within the last twenty-four years. It is easy to understand how a great rain-fall, especially in a hilly locality like Birmingham, may operate beneficially by washing away quantities of refuse vegetable and animal matter, which would otherwise be left to decompose, and poison the atmosphere by the exhalation of noxious gases; and the process of decomposition would be less active during a cool summer.

In the course of my inquiries for information as to the localities of the town in which disease and mortality are in the greatest amount, I received from Mr. Darwen, one of the district medical officers, a valuable communication, in which he says, "The largest amount of fever cases occurs in No. 1 district, which is the most rural and least densely populated. It comprises an area of nearly one-half the town. The next largest number is in No. 6 district, which is more densely populated, has many lodging-houses, many courts badly drained or not at all, and has many most improvident people in it; viz., the lower class of Irish. No. 4 district is most densely populated, has many lodging-houses in it, and likewise abounds with Irish. The cases met with in this district are generally of an acute character; the duration of illness being nearly one-third less than in other districts, the mortality very much more." I can corroborate Mr. Darwen's statement with regard to the prevalence of fever, usually typhoid, in No. 1 district. When I was in general practice I had many patients in and around Spring Hill, which is about the centre of that district. It was then a matter of common observation that if fever was rife in any part of the town it was always to be met with there. A good many years ago I attended, in the house of a respectable family in that locality, some of the most formidable cases of scarlet fever which ever came under my notice. Three children of that family died from it within a few days of each other, each with less than forty-eight hours' illness; and a fourth child died from consecutive dropsy. In the fatal cases the disease began with sudden collapse, from which the patients could not be rallied. There cannot be much doubt that the unsatisfactory condition of this district arises from the want of drainage. The main sewers have not yet reached that part of the town, and private drainage there is almost none.

District No. 6 is contiguous to No. 1, and, like it, occupies some of the most elevated ground. The main sewers extend to the lower part of this district, but not into the upper. Private drainage is deficient in both. District No. 4, in which is the greatest mortality, is the smallest of the six. It is in the centre of the town, and reaches to its lowest part, the river Rea. It is densely populated, and contains a vast number of lodging-houses, which are frequented by tramps, vagrants, and passing strangers. The mortality among that migratory class of people, as I learn from Dr. Keyworth, who was for some years the medical officer of that district, is very large, and sudden death common.

That portion of the town which is within the parish of Aston, the population of which, according to the last census, is 70,548, is not included in the Birmingham table, which is for the parish only. I did not obtain the requisite information from the superintendent registrar, as to mortality and population, in time to embrace both under one head. The rate of mortality in that part of the town, on the average of the last five years, is 4·44 per thousand less than in the parish of Birmingham. In Aston there are no lodging-houses, consequently no tramps, whereas both, as before stated, are very numerous in Birmingham; which circumstance will in a great measure account for the marked difference in the death-rate.

TABLES

SHOWING the rate of mortality in Birmingham and four neighbouring towns; also in London, Liverpool, and Manchester, during the five years 1857 to 1861.

	Years.	Population March 31st.	Deaths.	Rate of Mortality.	
				Per 1,000	Or 1 in
Birmingham parish only...	1857	197,090	5,573	28·27	35·36
	1858	200,945	5,796	28·84	34·66
	1859	204,800	5,272	25·74	38·84
	1860	208,655	4,681	22·43	44.57
	1861	212,510	5,194	24·44	40·91
			Average	25·94	38·86
Dudley	1857	120,772	3,671	30·39	32·89
	1858	123,145	3,187	25·88	38·63
	1859	125,519	3,440	27·40	36·48
	1860	127,893	2,813	21·99	45·46
	1861	130,267	3,005	23·06	43·31
			Average	25·74	39·35
Wolverhampton	1857	117,799	3,348	28·42	35·18
	1858	120,072	3,114	25·93	38·55
	1859	122,346	3,400	27·79	35·98
	1860	124,619	2,852	22·88	43·69
	1861	126,894	2,795	22·02	45·00
			Average	25·40	39·68

	Years.	Population March 31st.	Deaths.	Rate of Mortality. Per 1,000	Or 1 in
Walsall	1857	53,162	1,773	33·35	29·98
	1858	54,848	1,456	26·54	37·67
	1859	56,534	1,439	25·45	39·28
	1860	58,221	1,180	20·26	49·33
	1861	59,908	1,165	19·44	51·42
			Average	25·00	41·53
West Bromwich	1857	83,379	2,400	28·78	34·70
	1858	85,654	1,906	22·25	44·99
	1859	87,929	2,209	25·12	39·80
	1860	90,204	1,687	18·70	53·47
	1861	92,480	1,937	20·94	47·74
			Average	23·15	44·14
London	1857	2,627,287	58,939	22·43	44·57
	1858	2,671,462	64,122	24·00	41·66
	1859	2,715,637	61,950	22.81	43·85
	1860	2,759,813	62,621	22·68	44·07
	1861	2,803,989	65,001	23·78	43·13
			Average	23·14	43·45
Manchester	1857	237,766	7,556	31·77	31·46
	1858	239,321	7,792	32·55	30·71
	1859	240,877	7,011	29·10	34·35
	1860	242,432	6,805	28·06	35·62
	1861	243,988	7,432	30·46	32·82
			Average	30·38	32·99
Liverpool	1857	265,139	9,115	34·37	29·08
	1858	266,289	9,586	35·99	27·77
	1859	267,440	8,146	30·45	32·83
	1860	268,591	7,674	28·57	35·00
	1861	269,742	8,728	32·35	30·90
			Average	32·34	31·11

SUMMARY OF THE TABLES.

	Average Rate of Mortality per Thousand. Last 5 years.	Previous 7 years.	Decrease.
London	23·14	24·07	0·93
West Bromwich	23·15	25·69	2·54
Walsall	25·00	26·76	1·76
Wolverhampton	25·40	28·54	3·14
Dudley	25·74	25·97	0·23
Birmingham	25·94	26·79	0·85
Manchester	30·38	31·48	1·10
Liverpool	32·34	32·73	0·39

On the Health of our Merchant Seamen. By the late J. O. McWilliam, M.D., C.B., F.R.S.*

"In a paper on the Health of Merchant Seamen, which I had the honour of submitting to the Health Department of this Association, at the meeting held in Dublin last year, I stated my intention of further prosecuting the inquiry, in the hope of being permitted to bring the results before the Department at a future meeting.

"Among the difficulties that stood in the way of obtaining exact and full information as to the death-rate of seamen in the Mercantile Marine, I mentioned that the records of the Registrar-General of seamen, although perfect as regards the deaths occurring on board ships actually at sea, contained no account of the deaths among sailors leaving their ships, or being sent to hospital,—whether in foreign countries, or in our own colonies,—nor of those which take place among seamen on shore in this country. Since that time, however, I have, through the courtesy of Mr. Farrer of the Board of Trade, been enabled to add to the death-rate tables given in my former paper the deaths among seamen on shore in foreign ports, (obtained from our consuls,) and also those in the colonies, (obtained from the collectors of customs,) during the period which the tables embrace. One defect alluded to in the paper read at Dublin is therefore now made good; and the other defect—that which relates to the deaths of seamen on shore at home—is also likely soon to be remedied, inasmuch as it is the intention of the Registrar-General of births, deaths, and marriages, in future to note occupation in the record of deaths.

"Having advanced so far in the inquiry as to approximate very closely, from reliable data, to the actual death-rate of our merchant seamen in the home and foreign voyages during the last ten years, and thus to be enabled to make a limited comparison of the mortality in the Merchant Seamen service with that of the Royal Navy, it seems now desirable to determine, if possible, the causes which lead to a death-rate unnecessarily high in the merchant service, and to consider whether the means, so successfully adopted in raising the health of the navy from a very low degree to a standard that is rare among any other class of men, cannot be applied with equal advantage to the ships of the Mercantile Marine."

"For such an inquiry it would be well to ascertain:—

1. The relative mortality on board merchant ships in voyages to different parts of the world.

2. How far the mortality is influenced by the class or description of ships.

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* What is contained within commas, and also the table, are given exactly as they stand in the memoranda left by my late friend for the continuation of his former paper. I have only drawn out some of the more striking conclusions deducible from this valuable table, so that the general reader may be better enabled to judge of the importance of the inquiry.—G. Milroy.

3. The amount or extent of proper sleeping-room for the crew, and the means of ventilation in their cabins; also the quality, &c., of the diet provided.

4. The state of health in the great steam-ship companies, as the Peninsular and Oriental, the West India, &c.*

5. The same in certain large sailing-ship companies.

From the table (see p. 546) it appears that out of a total mortality amounting to 35,388 deaths in the course of the last ten years, 1852-61, among the aggregate body of our merchant seamen, whose number each year averaged a trifle over 170,000, no fewer than between thirteen and fourteen thousand—or considerably more than a third part of the whole—were the result of drowning. What proportion of this great loss was due to inevitable casualties and accidents to which life at sea is always exposed, and what proportion was due to the direct or indirect influence of intoxication, to the reckless hardihood of individuals, or to the neglect of proper precautions in the condition and finding of the ships in regard of their complete sea-worthiness, and of the character of the officers in charge, we are as yet without data to determine.

Of the remaining 21,741 deaths, fully a third is attributed to fevers of some sort or other, whether they be of a general, malarial, and climatic origin,—as remittents and intermittents, especially in hot climates, mostly are,—or whether they be of a more circumscribed and local origin, as within the ship herself, or in the immediate neighbourhood of her moorings, as is the case with most continued fevers, both in this country and abroad. During the last ten years, there has been a greater than ordinary amount of bad yellow fever among the merchantmen of all nations trading to the West Indies and to the coast of Brazil. In the two years of 1857 and 1858, upwards of 800 deaths are set down to this one form of fever; and probably the number is considerably below the mark. For the other years of the decenniad we find no data; but it is well known that scarcely a year has passed of late without our hearing of great mortality among our seamen, both in the royal and in the mercantile navy, from this very fatal disease. When it is considered that for every death from the different forms of fever taken collectively, there are probably ten cases or more which recover, after a more or less tedious convalescence, there must be an enormous loss of service, and consequently a very large expense incurred to replace the temporary deficiency in our merchant marine from year to year. This subject well deserves the attention of owners of vessels, and of others interested in shipping, on economic as well as on humanitarian grounds.

Rather more than 2,200 died from cholera, and between 1,700 and 1,800 from dysentery. Whether many of the cases of the latter

* Dr. Beattie, medical officer of the Peninsular and Oriental Company, had prepared, at Dr. McWilliam's request, some valuable statistical tables illustrative of the health of the crews of their numerous fleet.

Years.	No. of Seamen.	Drowned.	Ratio per 1000.	Fever.	Ratio per 1000.	Cholera.	Ratio per 1000.	Dysentery.	Ratio per 1000.	Scurvy.	Ratio per 1000.	Other Diseases and Casualties.	Ratio per 1000.	Causes not ascertained.	Ratio per 1000.	Total Deaths.	Ratio per 1000.
1852	159,563	721	4·52	845	5·29	59	0·37	74	0·46	35	·22	436	2·73	216	1·35	2,386	14·95
1853	172,526	875	5·07	1,284	7·44	209	1·21	110	0·64	11	·06	571	3·31	388	2·25	3,448	19·98
1854	162,415	956	5·88	663	4·08	307	1·89	126	0·78	28	·17	625	3·85	232	1·43	2,937	18·08
1855	168,537	1,032	6·12	691	4·09	443	2·62	152	0·90	53	·31	911	5·40	335	1·98	3,617	21·44
1856	173,918	1,346	7·74	875	5·03	333	1·91	225	1·29	43	·25	934	5·37	287	1·65	4,043	23·24
1857	176,387	1,489	8·44	990	5·61	141	0·79	184	1·04	43	·24	734	4·16	208	1·18	3,789	21·47
1858	177,832	1,778	9·99	615	3·45	180	1·01	202	1·14	50	·28	852	4·79	119	0·67	3,796	21·34
1859	172,506	1,630	9·43	459	2·66	162	0·94	253	1·47	36	·21	726	4·21	379	2·19	3,645	21·13
1860	171,592	1,875	10·93	480	2·79	220	1·28	231	1·35	28	·16	690	4·02	429	2·50	3,953	23·03
1861	171,957	1,945	11·31	424	2·46	164	0·95	208	1·19	37	·21	779	4·53	220	1·28	3,774	21·94
Totals		13,647		7,326		2,218		1,762		364		7,258		2,813		35,388	
Averages	170,723·3	1,364·7	7·94	732·6	4·29	221·8	1·29	176·2	1·02	36·4	·21	725·8	4·23	281·3	1·64	3,538·8	20·66

distressing and disabling disease were complicated with a scorbutic condition of the system, we cannot say; but it is not unlikely, seeing that no fewer than 364 deaths appear under the head of scurvy, which demonstrates the painful fact that this most preventable disease continues to prevail to a considerable extent in the merchant service, while it is all but unknown in our ships of war, which are often much longer at sea without touching at a port than merchantmen.

In the column headed "other diseases and casualties," and which comprehends 7,258 deaths, it would seem on analysis (as far as this can be made from the very imperfect data at command) that diseases of the lungs, chiefly pulmonary consumption, occupy the most prominent place. Then come accidental injuries and other kinds of violence, including murder and suicide. Diseases of the brain, &c., including apoplexy, paralysis, and convulsions, seem to occasion about half the number of deaths attributed to diseases of the lungs. Very few of the deaths under this head appear under the title of delirium tremens; nevertheless, it is perfectly well known that a large proportion of all the deaths in the whole class of diseases of the nervous system are due, directly or indirectly, to the abuse of spirituous drink.

Disease of the heart is a not unfrequent cause of death among seamen. In the four years from 1857 to 1860—and it is for these years only that the data in our possession refer—184 deaths appear under this head.

Among other items, it may be added that no year passes without several deaths occurring among merchant crews from small-pox. The number varies of course much in different years; on an average, about twenty appear to perish annually from this cause. But we cannot pursue this analysis any further at present.

There still remains, after we have exhausted the column of "other diseases and casualties," another column in which 2,813 deaths appear, and which is headed "causes not ascertained," most probably from the circumstance of the obscurity of the symptoms in the absence of any medical man on board to recognise or appreciate their nature.

The above facts strongly confirm the truth of the conclusion in the report on quarantine of the Association, that "the sanitary and hygienic state of our merchant shipping is often very faulty; and there is good reason to believe that there is at all times a large amount of sickness, damaged health, and premature disablement, among merchant seamen, which might be prevented by simple precautionary measures."

The Health of the Army and the Navy compared with each other. *By* Gavin Milroy, M.D.

It has often occurred to me, when considering the subject of the sickness and mortality in our army and navy, that it could not

fail to be both interesting and useful to have a systematic comparison instituted between the two services in respect of their health-state, not only on the Home station, where such a comparison has occasionally been made, but also on several of the foreign stations, on which our regiments and our fleets are from year to year employed. There are so many features of resemblance in the general hygienic economy of the two public services, so many points of contact between them as to the circumstances and conditions which affect health, that it is scarcely possible but that the results of experience gained in the one must be almost equally applicable to the other, as far as the varying incidents of a floating and of a shore population will admit. The ages of the men are sufficiently alike, embracing the period between eighteen and forty-five years of life; in the navy, indeed, there is a larger proportion of youths under eighteen, but this difference is not very material. In both services the men are medically examined before enlistment, to ascertain their thorough soundness of health. In both, the food, clothing, accommodation, routine duties, &c., are determined by official authority and subject to constant official supervision, with due regard, it is to be presumed, to the great object of maintaining at all times the utmost possible effectiveness of the numerical strength. And in both there are the same arrangements provided for the immediate medical treatment of the sick and injured, the same good care taken of the men during illness with the view to their prompt recovery, and the same system of invaliding or discharging all such as are considered to be permanently unfitted for future active duty.

There are, of course, various points of circumstantial difference, on each and all of these heads, in the two services when compared with each other; and these differences may not be without a notable influence on the results of any such comparison. The more indeed that the subject is sifted and weighed, the more reliable will be the conclusions arrived at. Any minute and detailed exposition of the differences in question could only be done by experienced medical officers of both services acting conjointly and in concert, and it is a work that might be usefully undertaken. Each service has doubtless its advantages and its disadvantages in a sanitary point of view. I can here allude to but one point only, but it is one which, from its importance, requires special attention, viz., the difference in the period or duration of service for which the men have been enlisted. A ship is seldom in commission above three or four years, never beyond five years, and then the sailor can re-engage himself or not as he pleases; and moreover, he can, to a certain extent, choose his station. On the other hand, a soldier was, until within the last three or four years, enlisted for life, or at least for as long as he was fit for active duty. At present the infantry are enlisted for ten, and the cavalry for twelve years.

As a set-off to this advantage of the naval service, the sailor is much more exposed than the soldier to various injuries and

accidents, the most formidable of which, as influencing the relative death-rates, is drowning, unhappily the cause of considerable losses from one year to another.*

The latest statistical returns of the army embrace ten different sections or groups, according to the following stations where the troops are serving, viz.:—The United Kingdom; the Mediterranean, comprising Malta, Gibraltar, and the Ionian Islands; British North America, including Canada, Nova Scotia, New Brunswick, Newfoundland, and also Bermuda; the West Indies; Western Africa; Cape of Good Hope; the Mauritius; the Australian Colonies; Ceylon; and China.

In the statistical report for 1859, the most important of all our dependencies, viz., Hindostan, is not included, the necessary returns not having been received at the time of its publication. They will appear in the report for 1860.

In the navy there are nine different stations on which our fleets are employed, viz., the Home, the Mediterranean, the North American and the West Indian, the Brazilian or East Coast of South America, the Pacific, the West Coast of Africa, the Cape of Good Hope, the Australian, and the East Indian and China. Besides these there is what is called the Irregular force, from being employed on special duties and not remaining for any length of time in any one region or locality.

For the purpose of the present paper, I have selected the following stations as affording the best data for attempting an approximative comparison between the health-state of the two services; viz., the Home, the Mediterranean, the West Indian, the Australian, and the East Indian and China.

A word or two of explanation is here necessary. In the case of the Home and the Mediterranean stations, the conditions of our troops and ships are in most respects so much alike as to offer very fair elements of good comparison. In the cases of the North American and West India stations this is not so, and for the reason that while in the army the health returns from these different regions are quite distinct and separate, the navy returns from both are put together; but, as doubtless most of the sickness in the North American and West Indian fleet is always contracted in the tropical part of the station, I have thought it best to compare the health of this fleet with that of our troops serving in our West India colonies alone.

The Australian, and also the East Indian and China stations, may

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* Of 2,735 deaths from all causes in the navy in the three years 1856-57-58, 610 were of a violent nature, exclusive of loss by shipwreck in 1857. "The number of deaths from accidental injuries and drowning were about three times more numerous than they appear to have been for many consecutive years in the army, and probably forty times more numerous than they are in civil life."—*Navy Report* for 1856.

be regarded as presenting nearly similar conditions as affecting the health of our soldiers and sailors.

To determine the health-state of the army and of the navy, we have to ascertain the amount of all the deductions or losses, caused by sickness or injury, from the effective strength of our troops and ships' crews. These losses are either temporary or they are permanent. The temporary losses are determined by the average proportion of men daily on the sick-list throughout the year, and also by the entire number of men in the force admitted into hospital during the twelve months. The permanent losses are determined by the annual number of deaths, taken conjointly with the number of men discharged out of the service, during the same period, in consequence of irremediable infirmity or other disablement.

The data for such an inquiry are as yet very limited, more especially as regards the army. It forms no part of the object of this paper to compare the present improved condition of the army with what it was prior to the last three years or so; and this being the case, I must confine myself to the single statistical report for 1859, published last year. The Report for 1860 is expected to appear immediately. As respects the navy, we have fortunately three valuable annual reports, viz., for 1856, 1857, and 1858, the latest yet published. That for 1859 will also shortly appear: so that every year the field for such a comparison as I now attempt will be enlarging.

The following table will suffice to show, first, the daily proportion of men off duty, and consequently on the sick-list, in the two services; secondly, the proportion of admissions on the sick-list to the mean strength during the twelve months; thirdly, the ratio of mortality among our soldiers and sailors on the different stations enumerated; and lastly, the ratio of men invalided, or discharged as no longer fit for active service, in consequence of confirmed sickness or of disablement from injury. In regard to this last point, that of the number of men invalided, the data at our command are doubtless very imperfect as regards the military returns, so that no fair comparison can be made between the two services on this head.

ARMY, 1859.

Station.	Daily Sick Rate.	Annual Sick Entry Rate.	Annual Death Rate.	Annual Invaliding Rate.
	Per 1000.	Per 1000.	Per 1000.	Per 1000.
United Kingdom	50·0	1,031	8·4	13·0
Mediterranean	48·0	1,014	13·0	8·1
West Indies	53·5	1,230	17·0	4·9
Australian Colonies...	27·0	571	10·0	9·8
East Indies (Ceylon) and China.....	99·5	2,238	47·1	27·5

NAVY, 1858.

Station.	Daily Sick Rate.	Annual Sick Entry Rate.	Annual Death Rate.	Annual Invaliding Rate.
	Per 1000.	Per 1000.	Per 1000.	Per 1000.
Home Fleet	53·5	1,247	9·6	23·9
Mediterranean	48·7	1,369	11·1	27·3
West Indian.....	64·6	1,962	20·8	31·2
Australian	42·0	1,368	7·9	23·7
East Indian & China	92·0	2,654	62·5	80·9

NAVY, mean of 1856—57—58.

	Per 1000.	Per 1000.	Per 1000.	Per 1000.
Home Fleet	50·0	1,140	10·3	23·1
Mediterranean	52·0	1,355	10·6	24·0
West Indian.....	58·0	1,734	24·0	25·0
Australian	46·0	1,399	9·9	39·0
East Indian & China	93·0	2,357	47·6	52.0

A general comparison between the rates of sickness, mortality, and invaliding in the two services—taking the year 1859 for the army, and the mean of the three years 1856, 1857, and 1858, for the navy—seems to show that they are all somewhat higher among our seamen than among our soldiers. As respects the number of men daily on the sick-list, the difference is not considerable; but, as respects the number of cases or attacks of disease throughout the twelve months in the two services, the difference is much more marked. The death-rates, too, are somewhat higher in the navy; but it is more especially in regard to the amount of invaliding among our men-of-war seamen that the difference is most remarkable. The invaliding rate seems to be twice or thrice as high in the navy as it is in the army. Whatever uncertainty, from the imperfection of the data for comparison, may exist on this point, it is obvious that, in estimating the total amount of permanent losses among our troops and sailors at home and abroad during the twelve months, a very large addition must be made to the mere death-rates if we would judge aright of the full extent of the yearly reduction of the effective strength of the two services. The following figures attest the grave, but too little known, fact as to the large permanent losses that our navy is continually experiencing, and chiefly from disease; and we know that a still more sombre picture would have been presented by our army if taken a few years ago. In 1856, no fewer than 998 seamen were invalided, so that the total losses that year by death and invaliding amounted to 1,799, or about 35 out of every 1000 men. In 1857, the proportion was much higher, for it was nearly 54 per 1000 of strength; in other words, there was a loss of about a nineteenth part of the entire naval force employed, excluding losses from shipwreck. In 1858, the total loss amounted to 2,878—about the combined crews of three of our largest line-of-

battle ships—out of an aggregate force of 43,120 men, which gives a ratio of nearly 67 out of every 1000, or a fifteenth part of the entire force employed. How the army will stand in respect of its total annual losses by death and invaliding during the last three years or so, we must wait for some time to ascertain.

And now for a few words as to the chief causes of the sickness and mortality in the army and the navy. In most respects, these causes are very much alike in the two services. Fully one-half of all the sick entries is due to the three groups of venereal affections—abscesses, ulcers, and cutaneous diseases—and external injuries, as slight contusions and wounds, as well as graver accidents. These three groups, although occasioning a very large amount every year of daily ineffectiveness among our soldiers and sailors, contribute but a small quota to the register of deaths. As already mentioned, the number of deaths from external injuries is much greater in the navy than in the army. In both services, the amount of temporary disablement from venereal diseases is very great; of recent years they appear to have been much on the increase; and this too, not only in this country, but on many foreign stations. The subject is pointedly alluded to in the late military and naval reports as one calling for inquiry, with the view of abating the enormous loss of service, permanent as well as temporary, occasioned by the evil. When we hear of such facts as that nearly one-half of all the admissions into hospital among the troops in the United Kingdom are due to this cause, and that the inefficiency thence arising is equivalent to the loss of the services, for the whole year, of little short of three entire regiments, it is surely high time that something be done, or at least attempted, to check this fruitful cause not only of present disablement, but too often of permanent and irremediable mischief. Among the garrisons in the Mediterranean, in the West Indies, in Ceylon, and, I believe, in most parts of India, there has been for some time past a notable increase of these maladies. Nearly the same remark may be made in reference to the navy, in which also the evil and its pernicious consequences in various ways have been decidedly more rife and more serious of late years than formerly.

The diseases which cause the greatest amount of mortality among our soldiers and sailors are fevers, alvine fluxes, including cholera, and diseases of the respiratory organs, including pulmonary consumption. A word or two on each of these heads must suffice.

Fevers.—Confining my remarks entirely to continued fevers, I have to observe that, since the barracks in the United Kingdom have been better ventilated and a larger space allowed to the men, there has been a marked diminution in the frequency and severity of febrile cases. This remark applies to most of the foreign stations also during 1859. And what makes the evidence more instructive is, that where the barracks had not been improved, and the men were much overcrowded, an unusual amount of bad typhoid fever prevailed among the garrison that very year. This was strikingly the case in part of the garrison of Malta, and also at Corfu, in both of which places an excessive mortality from this cause prevailed.

The navy has afforded similar evidence. While some ships have been nearly free from fever, other ships in the same fleet and under nearly the same conditions as regards climate, exposure, and nature of the duties performed, have suffered severely and fatally. There is no more remarkable feature than this in the reports of the health of the navy, and it obviously calls for special attention. To take but one instance:—Between a third and a fourth of all the fever cases in the whole Mediterranean fleet, in 1856, occurred on board one ship, the *Hannibal*. She had been a sickly ship, too, the year before, while in the Black Sea. The *Princess Royal* that year, a new ship of the line, while lying quietly off Sebastopol harbour, actually lost more men from fever than even the Naval Brigade on shore, notwithstanding all their exposure to wet and cold, and their incessant toil in the trenches. The history of the yellow fever of the West Indies, that fatal scourge every now and then to our soldiers and sailors, would afford, if space permitted, like evidence of the terribly aggravating influence of impure and stifling barrack-rooms and between-decks on its extension and its fatality. I need only allude to the frightful loss of life in the garrison of Bermuda in 1853, and to the cases of the *Malacca*, *Dauntless*, and other vessels in the West India squadron of recent years.

Alvine Flux.—There is no tribe of diseases which has at all times produced a greater amount of distress and suffering, and often too of death, among our armies (especially in the field) and fleets than diarrhœa and dysentery; and there is none which, on the whole, better serves to test by its prevalence and severity, or otherwise, the general hygienic condition and organization of the force. The site of barracks or encampments, the mooring of ships; the amount and sort of accommodation provided for the men, more especially as regards their sleeping quarters; the good or bad sanitary condition within and around barracks or tents, and of the between-decks and holds of ships; the food, the drink, and the number and distribution of the meals in the twenty-four hours; the clothing of the men, their exposure, and the nature and amount of their fatigue duties; these, and various other points, all require to be considered.

Altogether, there is no more important problem in naval and military hygienics than clearly to determine all the circumstances which favour the induction, and aggravate the severity, of alvine fluxes.

It is pleasing to observe that recently there has been a notable decrease of these disorders among our troops in several of the stations, abroad as well as at home. This augurs well for the future.

The worst station for our troops and ships, in respect of this tribe of diseases, appears to be China and some parts of India. In 1859, one-half of all the deaths among the garrison of Hong Kong were caused by diarrhœa and dysentery; and when it is known that six-sevenths of all the deaths from these diseases in the navy during the three years under notice occurred in the East India and China fleet, it will be seen how sickly must be that station.

Diseases of the Respiratory Organs.—Among the troops at home,

these maladies occasion more admissions into hospital than all fevers and alvine fluxes together, and more than three times as many deaths. Two-thirds of all the mortality in the troops in the United Kingdom are due to them; and of these two-thirds, four-fifths are due to pulmonary consumption. In the Mediterranean garrisons, the proportion of chest diseases to all other causes of sickness has been nearly as high as in Great Britain, viz., a sixth or seventh of the whole. In the North American command, their frequency and fatality have been nearly the same as at home. That hot and tropical climates are far from being so favourable, as many people imagine, in respect of these diseases is shown by the fact that the ratio of deaths from them to strength was as high among the troops serving in the West Indies from 1817 to 1836, as among the troops in the United Kingdom.

In the navy, as in the army, respiratory diseases are the most prolific source of sickness and death. A sixth part of all the sickness throughout the service, and more than a fifth of the deaths from all causes, are occasioned by them. The rates vary a good deal, as might be expected, on different stations; but everywhere they are absolutely, as well as relatively, very high. Mere difference of climate has much less to do with their production than is generally believed.

The great amount of consumption and other organic diseases of the lungs in the navy, as well as in the army, is certainly one of the most striking features of the statistical returns of both services in relation to mortality and invaliding; and the subject is consequently one of very great importance. That the breathing of an impure atmosphere loaded with animal effluvia, during the hours of sleep, has much to do with the induction of that depressed and deteriorated state of health which leads to the development of tuberculous deposits, cannot be doubted; and we know that when once this morbid tendency is generated, every chill or catarrh serves to stimulate and hurry on the latent mischief; while, at the same time, every strong effort of muscular exertion increases the liability to the rupture of a blood-vessel, and the consequent attack of spitting of blood. The between-decks of our ships of war are, like many of our barracks, still much over-crowded, and consequently very hurtful to the health of the men.

One word now as to another class of diseases which occasions no small amount of mortality and also of invaliding in both services—diseases of the nervous system, including apoplexy, paralysis, delirium tremens, and insanity. In a large proportion of the cases, intemperance is either directly or indirectly the cause of the mischief.* The substitution of suitable and pleasant drinks in place of the everlasting spirits, is a problem of immense moment to the welfare of our soldiers and sailors.

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* It would seem, too, that the evil has been of late years, in many stations, decidedly on the increase among our troops, more cases of delirium tremens being recorded now than formerly.

Report of the Liverpool Committee on the "Health of Merchant Seamen." Prepared by the REV. S. A. STEINTHAL, *Hon. Secretary of the Committee.*

THE committee have the honour to submit the following statement of the steps which they have taken to investigate the subject of the Health of Merchant Seamen, together with the facts elicited during the investigation.

It was resolved at the first meeting of the committee that a series of concise queries should be framed and placed in the hands of those persons (including the members of the committee) who it was thought would be best able to give the most reliable and authentic information on the subject.

In accordance with this resolution the four following questions were prepared and forwarded to some fifty individuals:

1st. Are the men in the Merchant Service, in your opinion, liable to more sickness and a greater mortality than the men employed in the Naval Service?

2nd. What are the chief causes of disease among Merchant Seamen?

3rd. What remedies for these evils can you suggest?

4th. Have you any further suggestions or information to offer?

Upon receiving the mass of evidence accruing from the replies to each query *seriatim*, it was thought advisable to epitomise the matter and classify the answers, arranging them under their different heads, and giving an abstract of the principal ones.

Owing to the want of time, the committee have not been able to collect any great amount of evidence, but they believe that what they have collected is of considerable value, as without exception proceeding from those who have the greatest facilities for forming a practical opinion upon the subject.

With one exception, there is unanimity of opinion as to the deficiency of health in the Merchant Service when compared with the Royal Navy; the committee have, however, not been able to add any definite statistical returns to those which were laid before the Association in the paper of the late Dr. McWilliam, read at its meeting last year, in Dublin. There does not appear much difference of opinion as to the causes of the greater amount of mortality.

The committee would draw attention to the opinion generally expressed as to the importance of "top gallant forecastles," (*i.e.* forecastles upon deck,) being substituted for forecastles between decks, as giving increased facilities for ventilation. Also to the great importance of good water-closet accommodation, and the inspection of provisions, to both of which the committee attach very of great weight.

They also cordially support the recommendation, that the Government should exempt from tonnage dues all accommodation appropriated *bonâ fide* to the crew, and suggest that in return a medical

inspection of the crew before leaving port should be required, and power be given to any medical officer of H.M. Navy to inspect any merchant vessel in a foreign port. This suggestion appears to the committee all the more reasonable as so many men belonging to the Naval Reserve are now serving in the Merchant Navy.

There are other suggestions deserving serious attention which might be urged upon shipowners, but which the committee do not consider it desirable should be made the subject of legislative interference.

The names of the respondents have not been appended to the several answers, as many of them objected to have their names brought before the public.

The abstract of evidence is subjoined.

FIRST QUERY :—"*Are the men in the Merchant Service, in your opinion, liable to more sickness and a greater mortality than the men employed in the Naval Service?*"

The answers to this question (with one exception) were unanimous, stating, "the men of the Merchant Service are liable to more sickness and a greater mortality than the men employed in the Royal Navy."

SECOND QUERY :—"*What are the chief causes of disease among Merchant Seamen?*"

The following are the chief answers to this question, exclusive of those that were but a repetition of these given.

I.—Doubtless the bad accommodation, which, owing to the tonnage dues, is too limited, and often between decks, instead of being "top gallant forecastles." Another frequent cause is from decomposed vegetable matter, either cargo or decaying wood, which is the cause of malaria and fever. The crew of a merchant ship are often employed on a sickly coast to get cargo, and sleep on shore or up rivers in boats, without proper medical precaution : in the daytime they are exposed to a tropical sun, and perhaps wet feet, whilst employed in "watering." Fruit of all sorts is consumed by them often half ripe, spirits and tobacco taken without any limit but their own desires. "Indifferent food, and lastly, though by no means the least cause, is intemperance and debauchery with women, whereby disease is engendered, and no precaution taken to allay the symptoms which are thus aggravated, and eventually the constitution is broken down."

II.—The chief causes of disease are as follow :—

1st. Insufficient accommodation and very bad ventilation.

2nd. Intemperance (a most important cause).

3rd. Bad quality of food and water, more particularly when abroad.

4th. Excessive use of tobacco, in chewing and smoking.

5th. Exposure to rapid changes of temperature; from a close and hot forecastle berth to keeping watch on deck, and from the temperate to the tropical regions or the reverse.

6th. Malaria from foul holds and bilges or decayed timber of ships, or from marshes, or the banks of rivers in tropical climates while the ship is at anchor or the men employed in watering or getting cargo.

7th. Excessive use of tropical fruits, which often cause diarrhœa or even dysentery.

8th. Imprudent exposure to a tropical sun.

9th. Meals taken too close to each other, as at 8 A.M., noon, and 4 P.M., leaving 16 hours for a fast.

10th. Sleeping on deck without an awning spread in the tropics.

11th. Carelessness in not changing their clothes when wet; as also in not changing their underclothing often enough, by which the skin gets covered with a foul layer of perspirable matter, which obstructs its proper action.

12th. Bad water-closet accommodation.

13th. Syphilitic diseases.

14th. Frequent want of sufficient supply of fresh vegetables.

15th. Too much sameness in the diet.

III.—1st. Dark, damp and ill-ventilated sleeping accommodation.

2nd. Exposure to wet, and carelessness in regard to change of damp clothing.

3rd. Alternations of temperature. Sudden as between night and day. Extreme as between different latitudes.

4th. Exposure to miasmatic influences and contagious diseases in certain parts of the globe.

IV.—The principal causes of disease among Merchant Seamen may be referred to the following heads, viz :—

1st. The total absence of control over their conduct when on shore.

2nd. The want of proper sanitary regulations when at sea, such as attention to diet, clothing, cleanliness, &c.

3rd. The neglect or improper treatment of diseases or accidents occurring on a voyage or in a foreign port which may have been originally simple and unimportant.

V.—From the want of a salutary disposition on the part of masters as to the daily ablutions of their men. The fact that vessels in the Merchant Service lie in the river (Africa for instance) whilst in the R.N. they cruise off shore. The inadequate accommodation on board ship, but this cause I am happy to say will ere long cease to exist.

VI.—Undoubtedly the vicious and intemperate habits of the men, and their frequenting the dirtiest and most filthy parts of the town.

VII.—1st. The absence of a medical officer on board.

2nd. The inferior ventilation, with the pernicious gases arising from many cargoes.

3rd. Insufficiency of the room allowed free from customs' measure for the crews to live in; one-half more being necessary.

4th. They have more exposure than men in the R.N., more labour and privations, with less cleanliness.

VIII.—Ill-regulated habits on shore, by which they contract diseases, and so go on board diseased. Diseases are contracted in ill-ventilated lodging-houses by a deficiency of pure air in the sleeping rooms, and by two or three sleeping in the same bed.

THIRD QUERY:—"*What remedies for these evils can you suggest?*"

I.—1st. That the Government be petitioned to grant greater accommodation for the men, free of tonnage dues.

2nd. That in return for this boon, the Government establish and impose certain regulations, which might be issued by the Board of Trade, as regards diet, cleanliness, regularity, and sanitary precautions. These it is needless to enumerate, as medical men would doubtless make full suggestions; but now that so many merchant ships carry seamen, belonging to the R.N. Reserve, and receiving pay from the Crown, it behoves the Government to look after their health, and this could be effectually provided for by making it competent, if not imperative, for an officer in command of one of H.M. ships, or a consul at a foreign port, to cause all merchant ships to be medically inspected on arrival and departure, the surgeon of the man-of-war performing this duty, and supplying medicines, if necessary, free of all expense to the owners or captain.

II.—1st. Better accommodation and ventilation by air tubes and ventilators in the deck.

2nd. No spirits to be issued, but instead a cup of coffee after dinner, and in the middle and morning watches, which will support the strength and spirits better than rum, and ward off the depressing influences of a hot climate, for which Orientals deem it a specific.

3rd. More attention to the food and the water taken on board; if the latter be kept in casks or supposed to be impure it should be boiled before being used, and no water caught by sails ought ever to be used, if possible.

4th. The men should be exhorted not to chew tobacco, and the evils pointed out to them, and to smoke moderately.

5th. Exposure to changes of temperature should be guarded against by proper clothing.

6th. Malaria should be guarded against by proper attention to the holds and bilges, and the use of chloride of zinc or lime; if in an unhealthy locality, or watering, sulphate of quinine should be taken twice daily, with attention to the bowels.

7th. Tropical fruits should be used with moderation.

8th. The men should be worked as little possible in a hot sun.

9th. The hours between the meals should be extended to 8 A.M., 2 P.M., and 6 P.M., with an hour to each meal if possible.

10th. If the men sleep on deck the awning to be spread.

11th. The men should be made to change their clothing when wet, as also to change their underclothing oftener.

12th. Better water-closet accommodation, as the men are apt to be washed out of the present rude places in stormy weather.

13th. Every effort should be made to elevate their moral and

intellectual characters, (and perhaps to examine and give a clean certificate to the females).

14th. If vegetables are deficient, lime juice should be used.

15th. The diet should be varied, when possible, and soft bread and fresh vegetables given.

16th. A cabin should be set apart for the sick in all large ships.

III.—I would submit that Government should insist upon each sailor having a certain number of cubic feet of space allowed to him in his sleeping apartment; and this apartment should be on deck whenever practicable.

I would suggest that it should be compulsory on all owners of vessels to provide waterproof hats, coats and leggings, and also two flannel singlets for each man, as a part of the ship's furniture or outfit. That it should be legal to deduct a reasonable sum out of the men's wages for the use of the same, in case the men be not already provided with such of their own. That such discipline should be enforced on board as to compel change of damp clothing when the watch is over.

I would suggest that it should be made part of the chief officer's duty to supply the men with quinine as regularly as with lime juice when they are exposed to miasmatic influences or contagious diseases.

IV.—There seems nothing but an approximation to the regulations of the Navy, as far as practicable, which will counteract the evils existing in the merchant service.

V.—Stop "crimping." Limit the sale of "drugged" and bad liquor. About the social evil I am at a complete loss what to say.

Let masters of vessels do all they can to incite the men to cleanly habits of body and to pure thinking.

I would suggest that the medical men attached to war vessels be empowered to visit merchant vessels to see that everything be done to preserve the sailor from scurvy, &c., or from lying up long in swampy places.

Increased accommodation, well ventilated.

VI.—The sailors' home system, which ought to be made as attractive as possible, by having libraries, news rooms, &c., attached to them.

VII.—Medical examination previous to shipping, better ventilation, more room free from measurement, the present being five per cent. on tonnage, which is too little to provide for health, cleanliness, and comfort.

VIII.—*Scurvy* would probably be entirely eradicated from the service by a proper attention to the supply of food, both as to quantity and quality, and an adequate allowance of lime juice.

Dysentery depends to a great extent on peculiarities of climate; but a strong predisposition to the disease is engendered by unwholesome or insufficient food, or impure water.

Rheumatism.—Sailors are, from the nature of their occupation, liable to suffer from diseases incident to exposure to cold and wet, a liability which is much increased by the bad accommodation provided for

the men in many merchant ships. This opinion is arrived at from the frequent complaints made to me by the men, "that their berths were not watertight," and hence never dry in wet weather.

Ague.—My impression is that in the merchant service quinine is not usually, if ever given for the prevention of this disease; and that no adequate precautions are taken to protect the men against this large and fatal class of disease.

FOURTH QUERY:—"*Have you any further suggestions or information to offer?*"

I.—Experience has taught that "prevention is better than cure," and thus I am convinced that prudent sanitary measures would save many fine men to the country, who are lost prematurely by neglected disease. Statistics fail to show the mortality of Merchant Seamen, as many returning to England become the inmates of hospitals, unions, and the purlieus of inland towns, dying unknown, from disease engendered in foreign climates on board merchant vessels. Except a man deserts, this can hardly occur in the Royal Navy, as the hospitals, and claims for pension, wounds, &c., bring all deaths more surely to light.

II.—1st. That every coloured seaman brought into our English seaports should be vaccinated before leaving the vessel, if there is no satisfactory proof that he has had small-pox, or been vaccinated already. I have seen (I may safely say) hundreds of coloured seamen brought into the Fever Hospitals during the last fourteen years, suffering from small-pox, mostly of an exaggerated character. These men are landed, and I believe occupy, as a rule, boarding-houses frequented by their own class, in which the germs of the disease are located. These men in their turn take the infection, and are removed after having added to the unhealthy, morbific condition of the dwelling. If the above rule were enforced, the contagious matter would, from several reasons, become effete in time; and all danger to the occupants themselves, as well as to the surrounding families, would be obviated.

2nd. That in each large seaport, courses of lectures should be established for the instruction of captains and mates in the rudiments of hygiene, medicine and surgery, so as to familiarize them with the mode of treatment best adapted for cases of sickness occurring on a voyage.

The above would naturally be divided into two courses—one comprising hygiene and medical practice; the other, surgery, the application of bandages and the minor operations; six lectures to be a course of each, these to be delivered monthly, so that all captains and mates might have an opportunity from time to time of attending them during their visits to the several ports. I would make it obligatory for each mate to have a certificate of attendance on these lectures before he be admitted to examination for a master's certificate, and it would be exceedingly desirable that such candi-

dates should pass a moderate examination in the above subject, by a medical man, before obtaining a certificate.

I believe that such an enactment would not be felt to be oppressive, and it would in all probability be the means of saving many valuable lives.

III.—If masters as a rule were examples of "man, as he ought to be," "Jack" would be a better, healthier person, physically and morally.

IV.—In order to induce sailors to enter sailors' homes, let the shipowners give a preference to the men that occupy them.

V.—I have always found a crew much more healthy in a "top gallant forecastle" or house, than when confined below, especially in damp or wet weather; when in a laden ship and living in a lower forecastle, where no ventilation can be got, and where wet clothes are sure to be, the crews are subject to damp in their limbs and chests, with frequent bowel complaints and scurvy.

VI.—In answer to this question, I would state that as far as I can judge from statements made to me by sailors, the accommodation on board ships is very bad, the berths being too small, badly ventilated and deficient in all ordinary comforts, and that no provision is made for the requirements of sailors who are suffering from illness. These remarks apply more especially to the smaller ships.

Supply of Medicines.—I suspect that in this respect, merchant ships are defective; more particularly as regards expensive medicines, such as quinine, (one of the most important remedies for the treatment of diseases prevailing in tropical climates).

Also as regards wine, and such articles of food which for the sick may be as essential as medicine,—viz., arrowroot, sago, preserved meats, &c. &c. The masters of ships seem, in many instances, to be indifferent as to the administration of medicine to those of their crew who are ill, or ignorant of the uses of the remedies they are provided with.

On some Results of a Recent Census of the Population of the Convict Prisons in England; and especially on the Rate of Mortality at present prevailing among Convicts. By W. A. Guy, M.D., *Medical Superintendent of Millbank Prison.*

During the month of March last, arrangements were made by the authority of Sir Joshua Jebb, for obtaining a complete census of the prisoners who slept within the walls of the several convict prisons on the 31st of that month. The information which it was desired to obtain, related: 1. To the ages of the prisoners. 2. To the condition of male prisoners in respect of their fitness or unfitness for labour. 3. To the mental and bodily condition of prisoners, male and female; and 4. To the relation of that condition, mental and bodily, to the crimes committed.

I shall offer a few brief observations on the results obtained under each of these heads; and shall then proceed to examine the existing rate of mortality with the assistance of the facts contained in the tables themselves.

1. The census of ages is obviously important in reference to all inquiries into the sanitary condition of prisoners. This necessary information is now obtained for the first time, though the ages of of our entire prison population are to be found in the census reports 1851, and my predecessor, the late Dr. Baly, has recorded the ages of the inmates of Millbank Prison. I append a table showing the ascertained ages of the 5,952 male, and 1,218 female prisoners who slept within the walls of the convict prisons on the 31st of March.

TABLE I.

Ages.	Males.	Females.	Percentage Population of	
			Males.	Females.
Under 15	3	0	·05	5·00
15 „ 20	464	68	7·79	5·58
20 „ 25	1,596	329	26·81	27·01
25 „ 30	1,324	287	22·24	23·56
30 „ 35	869	204	14·60	16·74
35 „ 40	565	105	9·49	8·62
40 „ 45	415	103	6·97	8·45
45 „ 50	250	64	4·20	5·25
50 „ 55	187	27	3·14	2·21
55 „ 60	122	15	2·04	1·23
60 „ 65	90	11	1·51	·90
65 „ 70	45	3	·75	·24
70 and upwards	22	2	·36	·16
	5,952	1,218		

On comparing these figures with those obtained for the whole prison population, for the adult population of England and Wales, and for that of London in the year 1851, it appears that while the convict population is older than the general prison population, it is younger than the adult population of England and Wales and of London. The female convicts, again, are younger than the male convicts. It also appears that between the prison population and the population of England, or of London, there is such a disparity as fully justifies the labour bestowed upon this census.

In tables A and B of the appendix, the percentage proportions of the several populations just referred to will be found given in detail.

2. The table which displays the fitness or unfitness of the male convicts for labour (table C of the appendix) also furnishes a

useful standard of comparison. It shows that 48 per cent., or somewhat less than half, of the whole number, may be considered as able-bodied, robust, vigorous men; somewhat more than 24 per cent., or nearly a quarter of the whole, as in good health, and able to perform a day's labour; less than 23 per cent. as fit only for light labour or occasional work; whilst the bed-ridden, those that are ill in bed, and those that are under treatment, but not at work, form a small section of the whole, amounting to about 5 per cent.

3. The tables D, E, F, G, of the appendix, which display the mental and bodily condition of convicts, male and female, in connexion with the crimes they have committed, will become very interesting if we can succeed in obtaining similar information respecting the mental and physical state of our entire population, of the population of the metropolis, or even of any such considerable section of the people as may be deemed a fair representation of the whole. In the absence of these necessary standards of comparison, I must be content with a few remarks on the short summary of the tables in the appendix, expressed in percentage proportions, which I introduce in this place.

TABLE II.

	Males.	Females.
Weak mind, insanity and epilepsy	4·07	2·89
Scrofula and chronic diseases of the lungs or heart	11·13	8·54
Deformities or defects, congenital or acquired	24·56	13·47
Not suffering from any infirmities or defects	60·13	75.53
Malingering	·06	·08

The first fact that attracts attention in this table is the superior physical condition of the female convict population, a superiority with which my own observations at Millbank had already made me familiar. I attribute it, in part, to the circumstance that many women are drawn within the vortex of the criminal population by a course of life arising out of the possession of personal attractions, of which health constitutes no inconsiderable part. The female convict population is also less subject to diseases of the mind and nervous system. Of this class of maladies I ought to observe that the figures in the table represent only the residue so afflicted after the elimination of such prisoners as have, at different times, been sent to lunatic asylums under medical certificate.

4. The relation which the mental and bodily condition of prisoners bears to the offences committed by them, is shown, for men and women, in the tables just referred to, (tables D, E, F, G, of the appendix,) and in the more condensed summaries which I here introduce.

TABLE III.

Mental and Bodily Condition of Male Convicts, with their Crimes.

Mental and Bodily Condition.	Crimes of Convicts for which they were under sentence March 31, 1861.				
	Crimes consisting in or accompanied by violence.	Fraudulent Offences.	Rape and Offences contra naturam.	Arson.	Miscellaneous Offences.
Affections of the mind and nervous system	29·60	55·12	7·40	5·34	2·46
Scrofula and chronic diseases of the lungs and heart	27·99	65·19	1·50	1·95	3·31
Deformities and defects, congenital and acquired	25·79	65·28	3·41	2·80	2·73
Not suffering from any infirmities or defects	33·06	60·94	2·23	1·90	1·81

TABLE IV.

Mental and Bodily Condition of Female Convicts, with their Crimes.

Mental and Bodily Condition.	Crimes of Convicts for which they were under sentence March 31, 1862.			
	Crimes consisting in and accompanied by violence.	Fraudulent Offences.	Arson.	Miscellaneous Offences.
Affections of the mind and nervous system	13·79	82·74	3·45	—
Scrofula and chronic diseases of the lungs and heart	10·48	87·62	1·90	—
Deformities and defects, congenital and acquired	9·14	88·42	1·22	1·22
Not suffering from any infirmities or defects	9·90	88·68	0·98	0·43

The crimes are thrown into five principal groups, and the mental and bodily condition is shown under four distinct heads. The malingerers are omitted as being too few to demand special notice.

From the figures contained in these tables it may be inferred that weak-minded, insane, and epileptic prisoners of both sexes, are especially addicted to the crime of arson; and also, in a less marked degree, to crimes consisting in, or accompanied by, violence; and that male prisoners answering to the same description are prone to the commission of a class of crimes often, but not always, marked by violence. I speak of rape and of offences *contra naturam*. The

other figures in these tables are such as might have been expected. The stronger men, and the men and women least able to control their passions, are most prone to commit offences consisting in, or accompanied by, violence; while the deformed and defective of both sexes are least addicted to, as they are least capable of, those offences. Women, again, as compared with men, are more addicted to fraudulent offences; and male convicts suffering from scrofula and from chronic diseases, and those who labour under deformities or defects, congenital or acquired, are more addicted to fraudulent offences than those who are free from such diseases and defects, while weak-minded men and women exhibit that inferior tendency to these offences which their mental incapacity would have led us to anticipate.

On these tables, which present the relation of the bodily and mental condition of prisoners to the crimes they commit, it may be observed that the figures comprised in them are in striking conformity with the views I should have been led to form by *à priori* reasoning, no less than by casual observation of prisoners. The excess of cases of arson, and of rape and its allied offences, among the class that comprises the weak-minded, is in harmony with the expectations I had formed; while the other figures in the table conform to the inferences naturally to be drawn from a consideration of the ability to commit crime on the one hand, and the difficulty of resisting temptation on the other. Those who are most conversant with statistical inquiries will recognise in this correspondence of numerical results with *à priori* reasoning and impressions produced by observations not committed to paper, or arranged in tabular form, an event of very common occurrence. The figures which represent the results of an exact record of individual facts, followed by a just calculation of averages, are always the truest tests of opinion, which they often confirm, but sometimes correct.

I now proceed to that part of this communication which relates to the rate of mortality prevailing among convicts.

Now in order to calculate the true rate of mortality to which any body of men is subject, we must first know the ages of the individuals which comprise that body, and then procure a just standard, or standards, of comparison, by which to measure the value of the rate in question. In a shifting population, passing from prison to prison, from liberty to imprisonment, and from imprisonment to liberty, the ages must obviously be ascertained and recorded at the same point of time. In other words, a census of the convict population, such as that which was taken on the last day of March of this year, is indispensable. In Table I., the ages of the convicts, male and female, and the calculated percentages for intervals of five years, are given in detail. In the table which follows I present these facts in a more condensed form, giving the actual numbers of male and female convicts for decennial intervals of age, so as to be able to compare the convict population with the figures of the census of 1851, and the mortuary reports of the Registrar-General.

TABLE V.

Ages.	Males.	Females.
15 to 25	2,068	397
25 „ 35	2,193	491
35 „ 45	980	208
45 „ 55	437	91
55 „ 65	212	26
65 and upwards	67	5
Total.....	5,952	1,218

In selecting standards of comparison by which to measure the mortality of convicts, it is obvious that we must reject all those bodies of men or women which consist of individuals selected from the general population on account of health and vigour and freedom from deformity and defects, and which are being constantly restored to it as invalids when no longer fit for service; and we must limit ourselves to such as are supplied by the general population, male and female, of England, of our large towns, or of such parts of our towns as are likely to be inhabited by the criminal class. As I intend to limit my inquiry to the deaths from all causes, and from pulmonary consumption, (a disease which my predecessor, Dr. Baly, proved to be rife among convicts,) I begin by presenting in two tabular forms the deaths from all causes, and from consumption, in 1000 males and 1000 females of the population of England and Wales, and of London respectively, living in 1851, at the same intervals of age as in the foregoing table.

TABLE VI.

ALL CAUSES.

Ages.	Males.		Females.	
	England.	London.	England.	London.
15 to 25	7·74	7·43	8·17	6·02
25 „ 35	9·47	10·59	10·04	8·57
35 „ 45	12·34	16·21	11·91	12·82
45 „ 55	17·85	24·81	15·17	18·51
55 „ 65	30·26	41·59	26·76	33·44
65 and upwards	91·31	110·19	86·82	100·61

TABLE VII.

PULMONARY CONSUMPTION.

Ages.	Males.		Females.	
	England.	London.	England.	London.
15 to 25	3·18	2·96	3·85	2·46
25 „ 35	4·03	4·81	4·55	3·58
35 „ 45	4·08	6·34	4·14	4·45
45 „ 55	3·95	6·47	3·18	3·29
55 „ 65	3·55	5·07	2·68	2·64
65 and upwards	2·20	3·62	1·51	2·45

If now we take the number of deaths occurring among our convict population, male and female, and suppose the population of male and female convicts to be subject to precisely the same rate of mortality as that which prevails, first in England, and then in the Metropolis, in the same number of persons of the same ages, we shall be able to ascertain whether the rate of mortality now existing among our convict population is favourable, or the reverse. I shall take the male convicts first, and then the females. In both cases it must be understood that I proceed on the following assumptions:—

1. That the distribution of the populations of England and of the Metropolis in respect of age has undergone no material change since 1851.

2. That the proportion of deaths from all causes, and from consumption, occurring at different ages in those populations during the year 1851, has also undergone no material change since that date.

3. That the distribution of the male and female convict populations in respect of age, as ascertained on the last day of March last, is a close approximation to the distribution at any one time in former years.

4. That the proportion of deaths to population, from all causes, and from consumption, in England and Wales, and in London, is a just standard by which to measure the mortality of our convict population. Of the two standards of comparison just referred to, I am disposed to prefer the population of London; for it appears from the census report of 1851 that the metropolis and our larger towns contribute more than their due proportion to our prison population. If the London standard of mortality be objected to as too high, that of England must certainly be regarded as too low; and should the mortality in our prisons be found to range between the two extremes, it will be a fair inference that it is not excessive. I shall presently give my reasons for thinking both these standards too favourable.

Proceeding then on the assumptions which I have set forth, I will begin by stating the number of deaths from all causes, and from consumption, which occurred among our male and female convicts in

the year 1861—the year, that is to say, preceding the recent prison census.

There occurred, then, in that year among the male convicts sixty-eight deaths from all causes. The average daily population subject to this mortality amounted to 6,022; and if these convicts, having the same distribution as to age as that ascertained to exist on the last day of March, 1862, had been subject to the rate of mortality prevailing among the same number of the English population, of the same sex and ages, the deaths would have been seventy, or two in excess of the deaths that actually took place. But if they had been subject to the rate of mortality prevailing in the metropolis, the deaths would have been eighty-two, or fourteen in excess of those which did occur. Now in this year 1861, two convicts were pardoned on medical grounds; and if we assume (what is probably not true) that these two men died in the year of their discharge, in other words, if we reckon these pardons as deaths, and add them to those that actually took place, we obtain an aggregate of seventy deaths; which is precisely the number that would have taken place in the population of England, and twelve less than would have happened in the population of London.

Again, among the same population of male convicts, there occurred in the same year twenty-one deaths from consumption (being part of the mortality from all causes). If the 6,022 convicts among whom these deaths from consumption occurred had been part of the population of England, subject to the English rate of mortality from consumption, the deaths would have amounted to twenty-two. But if they had been part of the population of London, subject to the metropolitan rate of mortality from consumption, the deaths would have been twenty-seven in number. So that, according to the one comparison, the deaths from consumption among convicts fell short of the calculated rate by one, according to the other by six.

But of the two pardons on medical grounds granted in this year 1861, one was on the ground of consumption; and, if we assume that this man died within the year, the total of deaths from consumption occurring among the convict population will amount to twenty-two, being the calculated number for England, and five less than the calculated number for London.

In this same year 1861, the deaths from all causes among the 1,204 female convicts were eleven in number, and if this population, at the ascertained ages of 1862, had formed part of the population of England, the deaths would have been thirteen instead of eleven, and if part of the population of London, twelve instead of eleven.

The pardons on medical grounds in this same year 1861 were six in number, and if, as before, these six women are supposed to have died within the year, (a supposition in the highest degree improbable, for I know that one woman, discharged towards the end of 1861, is still living,) the deaths become seventeen, or four and five in excess of the respective rates for England and London.

The deaths from consumption which occurred in the same year,

among the same population, were six in number, to which if we add one woman discharged as suffering from consumption, and reckon it as a death, we have seven deaths from this disease against the calculated number of five for all England, and four for London.

In the year 1861, therefore, the rate of mortality of male convicts, when calculated in the manner least open to exception, and compared with the best standards we possess, was highly favourable, and that of female convicts far from unsatisfactory.

I will now proceed to determine the rate of mortality from all causes, and from consumption, for male and for female convicts, for the five years 1857 to 1861 inclusive.

I will present the facts in a series of tabular forms, and then offer such observations as the figures appear to justify.

TABLE VIII.

DEATHS FROM ALL CAUSES. (MALES.)

	1857.	1858.	1859.	1860.	1861.	Average of the 5 years.
Number of deaths	63	104	70	78	68	77
Pardons on medical grounds	3	5	12	9	2	6
Deaths and pardons	66	109	82	87	70	83
Calculated number of deaths —England	77	78	75	74	70	75
Calculated number of deaths —London	90	92	89	87	82	88
Calculated number of deaths —St. George's, Southwark	91	93	89	88	83	89
Calculated number of deaths —Westminster	114	116	111	110	100	110

TABLE IX.

DEATHS FROM ALL CAUSES. (FEMALES.)

	1857.	1858.	1859.	1860.	1861.	Average of the 5 years.
Number of deaths	14	18	11	17	11	14
Pardons on medical grounds	2	4	4	4	6	4
Deaths and pardons	16	22	15	21	17	18
Calculated number of deaths —England	10	11	13	14	13	12
Calculated number of deaths —London	9	10	12	13	12	11
Calculated number of deaths —St. George's, Southwark	11	13	15	16	15	14
Calculated number of deaths —Westminster	11	13	15	16	15	14

TABLE X.

DEATHS FROM PULMONARY CONSUMPTION. (MALES.)

	1857.	1858.	1859.	1860.	1861.	Average of the 5 years.
Number of deaths	27	51	27	28	22	31
Pardons on medical grounds	1	4	10	3	2	4
Deaths and pardons	28	55	37	31	24	35
Calculated number of deaths —England	25	25	24	24	22	24
Calculated number of deaths —London	30	31	29	29	27	29
Calculated number of deaths —St. George's, Southwark	35	35	34	33	31	34
Calculated number of deaths —Westminster	43	44	42	42	39	42

TABLE XI.

DEATHS FROM PULMONARY CONSUMPTION. (FEMALES.)

	1857.	1858.	1859.	1860.	1861.	Average of the 5 years.
Number of deaths	6	10	6	1	6	6
Pardons on medical grounds	2	3	3	2	1	2
Deaths and pardons	8	13	9	3	7	8
Calculated number of deaths —England	4	4	5	6	5	5
Calculated number of deaths —London	3	3	4	5	4	4
Calculated number of deaths —St. George's, Southwark	4	4	5	5	5	5
Calculated number of deaths —Westminster	3	3	4	4	4	4

The first of the four tables presents the following results:—

In the three years 1857, 1859 and 1861 the deaths were fewer than the calculated number for England and for London. In the year 1860 they were intermediate between the one calculation and the other, and in the year 1858 (for reasons which I am unable to ascertain) they were considerably in excess of both calculations. When the figures of all the years are added together they yield an average result very slightly in excess of the calculated number for England, and very much below the calculated number for London.

If now the pardons on medical grounds are added in, and assumed to represent deaths, the results of the table will be modified as follows:—

In the year 1857 the deaths and pardons taken together yield a result much more favourable than the calculated number for England and for London: in the year 1861, they are exactly equal in amount

to the calculated deaths for England, but considerably below the calculated deaths for London: in the year 1860, they are in excess of the calculated deaths for England, but exactly on a par with those for London; in the year 1859, the deaths and pardons are intermediate in number between the two calculations; and in the year 1858, in excess of both. The average of the five years is intermediate between the calculated number for England and the calculated number for London.

The second table, which presents the deaths from all causes occurring among female convicts, exhibits an excess of mortality for the three years 1857, 1858, and 1860, but a less mortality when compared with the calculated numbers for England and Wales, and London in the years 1859 and 1861. The average of the five years also indicates an excess of mortality when compared with the same standards. If we assume the pardons on medical grounds to be equivalent to deaths (which is very far from being the case) each of the five years, as well as the average of the five, displays an excess of mortality over the calculated rates for England and London. In men, therefore, imprisonment under existing conditions would seem to exercise a salutary influence upon health, while the reverse would seem to be the rule in respect of women.

The third table, which exhibits the deaths from pulmonary consumption in male convicts, yields the following results.

In the three years 1857, 1859, and 1860, the deaths from consumption are intermediate between the calculated number for England and for London; in 1861 they are equal to the calculated number for England, and considerably less than the calculated number for London. But the year 1858 presents a remarkable and inexplicable excess of mortality over any of the other years included in the table, and over the calculated numbers for England and London; and in consequence of this excess the average of the five years shows a considerable advance on the number of deaths for England, and a slight advance over the calculated number for London. If now the pardons on medical grounds are added to the deaths, and treated as deaths from consumption, there are two years (1857 and 1861) which show a liability to consumption intermediate between the figures for England and for London; but in the three years 1858, 1859, and 1860, and also in the average of the five years, the deaths and pardons taken together are in excess of both the calculated rates.

The last of the four tables shows the deaths from consumption among female convicts. It comprises one year (1860) in which the deaths from consumption fall short of the calculated deaths for England and for London, while all the other years and the average of the five years exhibit an excess above both the calculated rates.

On comparing the tables which represent the deaths from all causes, and from consumption, in male and female convicts respectively, it appears that the health of the female convicts suffers most by imprisonment.

The comparisons which I have just instituted are certainly the most exact which the nature of the case admits of. If they err at all, it is not in principle, but, as I have already intimated, in the selection of a too favourable standard. When we consider that the greater part of the convict population belongs to that class of society which occupies by choice, and almost of necessity, the worst localities and the worst residences of our towns, large and small, and of our most populous villages, we should probably be selecting a more just standard of comparison, if, instead of England and London, we took as our standard the worst districts of the metropolis.

I have accordingly selected two metropolitan districts,—St. George's Southwark, and Westminster—the one on the south, the other on the north, bank of the Thames, as districts in which the criminal classes of the metropolis are most likely to reside, and I have obtained, through the courtesy of the Registrar-General, returns of the ages of the population, and the deaths at the several ages, in the districts in question. The rates of mortality in these two districts are shown in the last two lines of tables VIII., IX., X., and XI.

It results from these comparisons, that in four out of the five years comprised in the tables, and in the average of the five years, the mortality of male convicts falls short of the rate of mortality prevailing among males in both districts. This is true of the mortality from all causes, no less than of the deaths from consumption. It is only in the exceptional year 1858 that the deaths from all causes among male convicts exceed the deaths in the district of St. George's, Southwark; but even in that year they fall short of the deaths in Westminster. The deaths from consumption are, however, in excess of both standards.

In the case of the female convicts, there are three years in which the mortality from all causes exceeds that of the two districts, and two in which it falls considerably short of it; the average of the five years showing in round numbers an exact equality. In deaths from consumption the female convicts show an excess in four years out of five, and on the average of the five years.

I am now speaking only of the deaths, and not of the deaths and pardons taken together. But if the pardons are added in and counted as deaths, the rate of mortality of male convicts will appear very favourable by comparison with that which prevails in either of these selected districts. But on the other hand, the rate of mortality of female convicts will appear in a more unfavourable light than before.

I have hitherto limited myself to a comparison of the mortality of convicts with the mortality of England and London, of Southwark and Westminster, under the same distribution as to age. But it may be well to place on record, for the use of those who may be satisfied with less accurate standards of comparison, the mortality of the convict population per thousand.

This is done for males and females, and for males and females jointly, in the following table :—

TABLE XII.

	Deaths per 1000.	Deaths and Pardons per 1000.
Male convicts.....	11·86	12·82
Female convicts.....	13·68	16·17
Male and female	11·95	13·32

It will be seen from this table that the rate of mortality of male convicts has fallen below twelve in the thousand on the average of the last five years; and that even when all the pardons on medical grounds are counted as deaths, the rate of mortality falls short of thirteen in the thousand.

The sanitary state of female convicts is less favourable; for the rate of mortality is nearly fourteen per thousand, and, if pardons are counted as deaths, more than sixteen per thousand. The rate for male convicts corresponds very closely with that for 1856 and 1857, as given in Sir Joshua Jebb's "Report on the Discipline of the Convict Prisons for 1856 and 1857." From a table given at p. 76 of that Report, it will be seen that in the years 1856-7, the rate of mortality per thousand was 11·8, and the deaths and pardons together 14·82.

If the rate of mortality thus prevailing among convicts be compared with the rate prevailing in twenty-four large towns, and in Manchester, at soldiers' ages, as stated in the Report on the Sanitary Condition of the Army, the result will appear very satisfactory; for in twenty-four large towns the deaths per 10,000 amount to 119, and for Manchester to 124; while the deaths per 10,000 among male convicts also amount to 119, and the deaths and pardons taken together to 128 per 10,000.

These facts, coupled with those already adduced, seem fully to warrant the assertion that the sanitary state of our convict establishments is highly satisfactory. In some years the mortality both of males and females will not suffer by comparison with any standard to which it is reasonable to refer it; and the average of the last five years shows but a slight excess on the women's side both in the deaths from all causes, and in the deaths from pulmonary consumption. These observations, be it recollected, apply to all the convict establishments, and not to that only with which I am best acquainted.

Of Millbank, however, I can speak with much confidence, as a prison in which very little, if anything, remains to be done to promote the health and well-being of the prisoners. They have a

sufficiency of wholesome food, and the purest water that can be obtained; they have all the means and appliances of cleanliness; their cells and rooms are spacious, well warmed, and efficiently ventilated; they take regular exercise, and are supplied with work; they are instructed by schoolmasters, and the chaplains and Scripture readers are always busy in their service; their punishments, when they incur them, are neither excessive nor severe; the hospital arrangements are liberal and complete; invalid prisons are provided on healthy sites; in a word, our convicts are the objects of constant solicitude in matters relating to their bodily health, their intellectual improvement, and their spiritual welfare. That which I am able to say of Millbank prison from my personal knowledge, I have no doubt that I could equally affirm of the other convict prisons. So that in reference to this class of prisons, the work which John Howard set himself to do seems to have been fully accomplished. The prisoner not only undergoes no punishment beyond that which the law awards him, or which his own perverse conduct in prison may bring upon him; not only is he not exposed to the gaol fever, the small-pox, and other fatal maladies, which decimated our prisons less than a century ago, but his health is carefully protected against every cause of injury not inseparable from the state of imprisonment and his own wilful misconduct when in prison.

It ought not to be forgotten, that the objects of all this watchful solicitude are not the mixed groups of debtors and criminals of every degree, on whose behalf John Howard exerted himself, but the most depraved, the most reckless, the most violent, the most brutal of mankind.

But while we congratulate ourselves on this happy result of a strict attention to every sanitary requirement, we still perceive some indications that the condition of the convict is very far from being an enviable one. The monotonous life he leads seems to neutralize the care thus taken of his health. The difference in his favour is less than we might reasonably expect it to be; and in the case of the female convicts, the rate of mortality is in excess of a healthy standard. The fact is, that in this case, as in most others of the same kind, we must balance certain obvious advantages against equally obvious disadvantages. Prisoners who have been addicted to gluttony or intemperance, or who have indulged to excess in the use of opium or tobacco, are at once placed in a condition of compulsory temperance in all these respects. Those who have led lives of dissipation, to the injury of their health and the production of actual disease, are subject to similar restraint. Those who have worked or lived surrounded by all sorts of unwholesome influences, have in their stead all the appliances of health just described. And yet, when compared with the standard of England or of London, their rate of mortality is less favourable than might have been expected. There would seem, therefore, to be something in imprisonment itself, and something, perhaps, in the original physical

condition of the prisoner, which goes far to counterbalance all these advantages.

Of the mental and physical state of convicts as a class I am not able to speak with confidence, from the want of proper standards of comparison; I can only express an opinion that in mental and bodily constitution, male prisoners, and female prisoners in a less degree, are below the average of the populations of which they form a part. They must, therefore, contrast unfavourably with all those bodies of grown-up men and women who are selected from the general population on account of possessing healthy and vigorous constitutions. Whether they are really inferior to that remnant of the population which is left after the selection of soldiers, sailors, firemen, policemen, postmen, and the warders of our prisons themselves, is a question which it is not possible to decide. I can only repeat the opinion that they are an inferior class. Be this as it may, imprisonment entails upon them, as a set-off against their many and great sanitary advantages, deprivation of liberty, monotony of diet and of life, prolonged forfeiture of the wholesome influences of domestic life in the case of some, prolonged loss of wholesome stimulus to exertion on the part of all. It is not necessary to suppose any addition to be made to these drawbacks in the shape of continued grief or remorse (of which little is seen within the walls of a prison) in order to understand how they may prove so hostile to health that all the care we can bestow shall not supply adequate compensation. Those who are most familiar with the daily life of the English soldier attribute a part of the excess of mortality to which he is subject to the monotony of his calling; and there is good reason to believe that the obvious advantages conferred by wealth are more than counterbalanced by the disadvantage it so often entails of depriving its possessor of the means and motives to the vigorous exercise of the faculties of mind and body.

If this be so, the baneful influence of imprisonment should show itself in a rapidly increasing ratio with the prolongation of its term. My predecessor, Dr. Baly, proved this to be the case, and to this cause (the want of change of scene and occupation on the part of female prisoners) I attribute their less favourable rate of mortality and their greater liability to consumption.

With these remarks, and the expression of my regret that the want of proper standards of comparison has obliged me to speak doubtfully upon points concerning which I should be glad to be able to offer a positive opinion, I bring this paper to a close.

APPENDIX.

TABLE A.

Ages. (Males.)

	Convict Prisons. March 31, 1862.	General Prison Population, 1851.		Population of England and Wales, 1851.	Population of London, 1851.
		E. and W.	London.		
	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.
15 and under 25	34·65	50·52	53·43	29·84	28·35
25 „ 35	36·84	26·54	24·13	23·56	26·67
35 „ 45	16·46	11·66	11·10	18·00	19·76
45 „ 55	7·84	6·48	6·76	13·21	13·13
55 „ 65	3·55	2·56	3·26	8·61	7·41
65 and above	1·11	1·03	1·23	6·72	4·71

TABLE B.

Ages. (Females.)

	Convict Prisons. March 31, 1862.	General Prison Population, 1851.		Population of England and Wales, 1851.	Population of London, 1851.
		E. and W.	London.		
	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.
15 and under 25	32·59	47·71	51·40	29·32	28·27
25 „ 35	40·30	32·26	24·65	24·05	26·55
35 „ 45	17·07	13·21	14·10	17·73	16·47
45 „ 55	7·46	7·32	6·74	13·03	12·80
55 „ 65	2·13	2·93	2·57	8·96	7·42
65 and above	·40	1·21	·48	7·78	5·76

TABLE C.

Degrees of Fitness or Unfitness of Male Prisoners for Labour.

	Total.	Percentage.
Bedridden	11	·18
Ill in bed	101	1·69
Ill, and under treatment, but not in bed, and not at work	200	3·36
Able-bodied and robust (this to comprise the strongest and most vigorous men)	2,838	47·68
Healthy (this class to comprise all other men doing a full day's work)	1,448	24·32
Fit for light labour or occasional work	1,354	22·74
	5,952	

TABLE D.

Males.

Mental and Bodily Condition.	Crimes of Convicts for which they were under sentence 31st March, 1862.																
	Homicide.	Assaults, Cutting, Wounding, Shooting.	Rape, Assaults with Intent.	Bestiality, &c.	Arson.	Burglary and House-breaking.	Robbery with Violence.	Larceny, Robbery, Post Office Offences.	Cattle, Sheep, and Horse Stealing.	Forgery, Embezzlement, Fraud, Obtaining Goods under False Pretences.	Coining and Issuing.	Receiving Stolen Goods.	Perjury.	Military Offences.	Other Offences.	Totals.	Percentage.
Weak mind	6	9	10	5	11	28	2	73	6	3	3	2	...	6	2	166	2·78
Insanity	1	1	...	1	1	...	...	7	1	...	1	...	...	1	1	15	·25
Epilepsy	...	4	1	1	1	7	6	33	2	1	...	2	...	1	3	62	1·04
Scrofula	3	4	2	1	3	48	10	126	4	3	6	4	...	2	...	216	3·61
Chronic disease of heart or lungs	8	17	7	...	10	77	12	233	8	20	16	13	...	5	22	448	7·52
Deformity, congenital	...	2	...	...	1	3	1	32	3	1	...	3	...	...	...	46	·77
" from disease	4	2	3	1	1	5	...	34	1	5	1	3	...	...	3	63	1·07
" " accident	4	5	7	2	6	37	10	122	11	3	5	7	...	2	8	229	3·84
Loss of arm	1	...	...	...	1	4	1	13	...	1	...	1	...	...	1	23	·38
" leg	...	3	...	...	1	5	...	9	...	2	...	...	...	...	...	20	·33
Rupture	2	11	9	3	9	43	10	142	8	18	8	10	4	1	5	283	4·77
Vision defective or lost	...	8	4	1	2	34	9	100	4	4	5	10	...	1	3	185	3·09
Other infirmities	14	17	16	3	20	99	24	284	20	29	25	27	1	16	20	615	10·31
Not suffering from any infirmities or defects	40	100	62	18	68	671	191	1755	116	124	75	107	3	182	65	3577	60·13
Malingering	1	...	...	...	...	...	...	3	...	...	...	...	...	...	...	4	·06
Totals	84	183	121	36	135	1061	276	2966	184	214	145	189	8	217	133	5952	

TABLE E.

Males.

Mental and Bodily Condition.	Crimes of Convicts for which they were under sentence 31st March, 1862.														
	Homicide.	Assaults, Cutting, Wounding, Shooting.	Rape, Assaults with Intent.	Bestiality, &c.	Arson.	Burglary and House-breaking.	Robbery with Violence.	Larceny, Robbery, Post Office Offences.	Cattle, Sheep, and Horse Stealing.	Forgery, Embezzlement, Fraud, Obtaining Goods under False Pretences.	Coining and Issuing.	Receiving Stolen Goods.	Perjury.	Military Offences.	Other Offences.
Weak mind	3·61	5·42	6·02	3·01	6·52	16·86	1·20	43·97	3·61	1·80	1·80	1·20	...	3·61	1·20
Insanity	6·66	6·66	...	6·66	6·66	...	...	46·66	6·66	...	6·66	...	...	6·66	6·66
Epilepsy	...	6·45	1·61	1·61	1·61	11·29	9·67	53·22	3·22	1·61	...	3·22	...	1·61	4·83
Scrofula	1·38	1·85	0·92	0·46	1·38	22·22	5·63	58·33	1·85	1·38	2·77	1·85	...	0·92	...
Chronic disease of heart or lungs	1·78	3·79	1·56	...	2·23	17·17	2·67	51·95	1·78	4·46	3·56	2·89	...	1·11	4·90
Deformity, congenital	...	4·34	...	...	2·17	6·51	2·17	69·53	6·51	2·17	...	6·51	...	...	...
" from disease	6·34	3·17	4·76	1·58	1·58	7·93	...	53·95	1·58	7·93	1·58	4·76	...	...	4·76
" " accident	1·74	2·18	3·05	0·87	2·61	16·23	4·36	53·19	4·79	1·30	2·18	3·05	...	0·87	3·48
Loss of arm	4·34	...	...	...	4·34	17·38	4·34	56·51	...	4·34	...	4·34	...	...	4·34
" leg	...	15·00	...	...	5·00	25·00	...	45·00	...	10·00	...	...	...	...	...
Rupture	0·70	3·88	3·17	1·05	3·17	15·17	3·53	50·12	2·82	6·35	2·82	3·53	1·41	0·35	1·76
Vision defective or lost	...	4·32	2·16	0·54	1·08	18·36	4·86	54·00	2·16	2.16	2·70	5·40	...	0·54	1·62
Other infirmities	2·26	2·75	2·59	0·48	3·24	16·03	3·88	46·00	3·24	4·69	4·05	4·37	0·16	2·59	3·24
Not suffering from any infirmities or defects	1·11	2·79	1·73	0·50	1·90	18·75	5·33	49·08	3·24	3·46	2·09	2·99	0·08	5·08	1·81
Malingering	25·00	...	...	...	...	...	...	75·00	...	...	...	...	...	...	...

TABLE F.

Females.

Mental and Bodily Condition.	Crimes of Convicts for which they were under sentence 31st March, 1862.														
	Homicide.	Assaults, Cutting, Wounding, Shooting.	Aiding and Abetting a Rape.	Arson.	Burglary and House-breaking.	Robbery with Violence.	Larceny.	Cattle, Sheep, and Horse Stealing.	Forgery.	Coining and Issuing.	Receiving Stolen Goods.	Perjury.	Other Offences.	Totals.	Percentage.
Weak mind	1	...	...	1	1	...	16	...	...	...	..	...	...	19	1·64
Insanity	...	...	...	...	...	...	2	...	...	...	...	...	...	2	·11
Epilepsy	...	1	...	...	1	...	5	...	...	1	...	...	...	8	·65
Scrofula	2	...	...	1	1	1	43	...	...	3	3	...	...	54	4·35
Chronic disease of heart or lungs	4	...	...	1	1	2	43	...	...	...	...	...	...	51	4·18
Deformity from disease	...	...	...	...	...	...	...	...	...	...	1	...	...	1	·08
,, accident	1	...	...	...	...	...	3	...	...	1	...	...	...	5	·41
Rupture	...	...	...	...	...	...	1	...	...	...	...	...	...	1	·08
Vision defective or lost	...	...	...	...	2	...	13	...	...	1	1	...	...	17	1·40
Other infirmities	5	2	...	2	...	5	111	...	...	8	3	2	2	140	11·50
Not suffering from any infirmities or defects	24	16	1	9	38	13	727	1	4	42	41	...	3	919	75·53
Malingering	...	...	...	...	...	...	1	...	...	...	...	...	...	1	·08
Totals	37	19	1	14	44	21	965	1	4	56	49	2	5	1218	

TABLE G.

Females.

Mental and Bodily Condition.	Crimes of Convicts for which they were under sentence 31st March, 1862.												
	Homicide.	Assaults, Cutting, Wounding, Shooting.	Aiding and Abetting a Rape.	Arson.	Burglary and House-breaking.	Robbery with Violence.	Larceny.	Cattle, Sheep, and Horse-Stealing.	Forgery.	Coining and Issuing.	Receiving Stolen Goods.	Perjury.	Other Offences.
Weak mind	5·26	...	...	5·26	5·26	...	84·21	...	...	...	...	...	...
Insanity	...	...	...	...	...	...	100·00	...	...	...	...	...	...
Epilepsy	...	1·25	...	...	12·50	...	62·50	...	...	17·50	...	...	...
Scrofula	3·70	...	...	1·85	1·85	1·85	79·62	...	...	5·55	5·55	...	...
Chronic disease of heart or lungs	7·84	...	...	1·69	1·69	3·92	84·31	...	...	...	...	...	...
Deformity from disease	...	...	...	...	...	...	...	...	...	...	100·00	...	...
" accident	30·00	...	...	...	...	...	60·00	...	...	20·00	1·00	...	...
Rupture	...	...	...	...	...	...	100·00	...	...	...	...	...	...
Vision defective or lost	...	...	...	...	11·76	...	76·47	...	...	5·88	5·88	...	...
Other infirmities	3·57	1·42	...	1·42	...	3·57	79·28	...	...	5·71	2·14	1·42	1·42
Not suffering from any infirmities or defects	2·61	1·73	·10	·99	4·13	1·41	79·10	·10	·44	4·57	4·46	...	·32
Malingering	...	...	...	...	...	...	100·00	...	...	...	...	...	...

On the Health of the London Postmen. *By* WALLER LEWIS, M.B. CANTAB., M.R.C.P.

THE Post Office, its progress, changes, and improvements, have for many years been a subject of marked interest to the people of England. This interest is out of all proportion to the importance of the department, if considered only with regard to the amount of revenue it yields to the Exchequer. The eagerness with which the newspapers publish, and the public discuss, many of the details contained in the annual reports of the Postmaster-General, is due neither to the financial nor to the political aspects of the subject. It is, in my opinion, chiefly owing to the fact, that this department affords an index to many points intimately connected with the social condition of the people.

There is, perhaps, no department of Government, the business of which furnishes more striking evidence of the prosperity and progress of the empire, whether as regards the increase of the general wealth, the growing importance of the several colonies, the improved education and intelligence of some classes, or the stirring industry and energy which is the national characteristic of all. But if, as I have said, the public has for a long time taken a deep interest in this department, this has much increased since the year 1840, the date of the introduction of the penny system by the present Secretary, Sir Rowland Hill. And not only has the uniform system proved a decided success in this country, but it has been adopted more or less completely in nearly all the most civilized countries in the world. My object in writing this paper, however, is, not to treat of the benefits that have accrued to commerce and civilization from the adoption of Sir Rowland Hill's plans, but to bring before this Association the sanitary condition of a certain portion of the working staff of this great department. I propose to do this for three different periods of time.

Up to the middle of the year 1855 there was no official medical authority in connexion with the Post Office department. In June of that year, Lord Canning, then Postmaster-General, believing that the appointment of a physician to take charge of the health of the clerks and other officers attached to the chief office in St. Martin's-le-Grand, would be of much benefit in preventing and cutting short disease, obtained the sanction of the Lords of the Treasury to do so. His Lordship did me the honour of nominating me to the office, under the title of Medical Officer to the Post Office.

I may mention that experience had shown that great advantages would, in all probability, be derived from this course, as the experiment had been already tried in the department of the Customs, where our late deeply lamented colleague and secretary, Dr. McWilliam, had for nearly ten years acted in a similar capacity, to the marked benefit of the department and the officers.

Till 1859, my duties extended only to the clerks and subordinates attached to the chief and money-order offices, then numbering about 1,650; but in the course of that year, on the application of the letter-carriers attached to the district offices in London, the Lords of the Treasury sanctioned the extension of official medical supervision to the men connected with the other postal districts, nine in number. I was consequently requested to make such arrangements as would, in my opinion, afford the best means for carrying into effect their Lordships' intentions. It was clear that I could not myself attend at so many different parts of the town without neglect of my duties at the chief office, nor could any one physician visit, at their own dwellings, men scattered over all parts of the metropolis and its suburbs. I therefore proposed, while taking charge of the Western Central district myself, in addition to the chief office, that eight medical practitioners of reputation and respectability, resident in the immediate neighbourhood of the district offices, should be engaged to attend to them and the men employed in them. This arrangement was assented to by the Postmaster-General, and is carried out at the present time.

I have stated that I propose to lay before the Department the sanitary condition of the men during three periods. Each of these cycles will comprise three years. It is not because I think this term the best that could be selected for such a purpose, but because no other was available. I could only obtain (and that with the greatest difficulty) a reliable table of the deaths, prior to my connexion with the department, during four years. But as the last of those included 1854, when cholera was epidemic in the metropolis, I have eliminated that year from the account; that left three years as a period of comparison before the appointment of a medical inspector. The year 1855 was excluded, as the appointment was made when half the year had elapsed. The time that has passed from January, 1856, to December, 1861, consisting as it does of six years, I have divided into two other cycles, of three years each—the first representing the beginning of the new system when it was but partially carried into operation; the second, when it was more completely worked, and more extended in its sphere. It would undoubtedly have been more satisfactory if I could have given statistics extending over cycles of five or seven years instead of three, but this was not in my power.

As this paper does not deal with the entire staff of the department, but only with that part of the working establishment doing duty in London, it will be necessary, before I bring the health statistics before you, to point out how many and what description of officers are comprised in the body alluded to.

On December 31st, 1840, the last day of the old postal system, the number of officers and servants of the department, exclusive of those in the colonies, and of agents in foreign countries, was 10,107; on December 31st, 1855, the year of the appointment of a medical officer, 22,547; December 31st, 1861, 25,513; showing an increase

of more than 150 per cent. in the number of *employés* since the introduction of the uniform system. This increase is still going on.

Of the whole number of 25,513,—2,935 are employed in the town districts of London. Of this number, 568 are heads of departments and clerks. The officers alluded to in this paper are the letter-carriers, sorters, messengers, stampers, mail guards, labourers and porters employed in the London urban districts. Their number on the 1st of January of the present year was 2,367.

During the first period I have taken for comparison—that before official medical supervision was provided—viz., the three years, 1851-2-3, the mean average annual mortality of the London postmen was 15 per 1000. During the second period, comprising the first three years of the new medical inspection, viz., the years 1856-7-8—11 per 1000. During the third period—the three years just passed, when medical assistance has been more widely extended to the officers, viz., the years 1859-60-61—6·3 per thousand.

These numbers show that the annual mortality has fallen from 15 per 1000 in the first period to 6·3 per 1000 in the last. This favourable change took place among 2,367 men. If, by any means, this state of things could be brought to bear upon the entire staff of the department, which, as I have already said, consists at the present time of more than 25,500 persons, it would cause a saving of 220 lives every year in the department; the figures show a decrease of deaths at the rate of 150 per cent. accomplished in eight years.

The amount of absence from illness is also reduced, although not in nearly so great a ratio; during the first period, 3·75 per cent. of the men were always absent from illness, while in the last period, 3·2 per cent. were absent from this cause.

It will now be my duty to endeavour to point out what I conceive to be some of the principal causes contributing to this improved condition of the postmen of the metropolis.

I do so, not solely because such a course is necessary for the completion of this paper as regards the present and future welfare of the department now under our consideration, but because I believe that some of the causes that have contributed to this improvement may be applied, *mutatis mutandis*, not only to other Government departments, but to all large establishments and manufactories where numbers of persons are employed.

First in the catalogue of causes that have, in my opinion, contributed the largest share to the good accomplished, is the granting gratuitous medical attendance and supervision to the officers. As the men have nothing to pay either for advice or medicines, they are easily persuaded to present themselves to me (or, if they are attached to the district post-offices, to the district medical officers) on the very earliest indications of ill health. Formerly, when they had to pay for medical assistance, their salaries being small, they deferred having advice, in almost every case, till the disease had made great progress in its onward course. The disease then was both severe and of long continuance, and in numerous instances had

passed the limit at which the art of the physician or surgeon was of any avail. Under the present regulations, the men come to be seen, in a very great majority of cases, while suffering from the slightest ailments. This is in accordance with my repeated instructions to them. In most cases, a day's rest with a single bottle of diaphoretic medicine, if the letter-carrier has become wet through while engaged in his duties in rainy weather, will prevent severe disease of the lungs, or a long continued attack of rheumatism. Many cases of bronchitis and consumption, in those predisposed to the latter affection, are thus prevented, and this helps materially to diminish the list of absences and the death-rate.

Secondly, it is the medical officer's duty, during the prevalence of epidemics of any kind, to issue clear directions for avoiding all predisposing causes, to give advice as to diet, and to remind the men of the necessity of increased attention to domiciliary and personal cleanliness, and the avoidance of overcrowding, &c. Such notices are constantly issued, and posted up in the chief and district offices. I frequently find it necessary to caution the men against the practice of purchasing low priced but diseased meat in Newgate and other markets. This used to be, and still is occasionally, the source of much mischief, producing not only disorders of the intestinal canal, but also, I believe, boils and carbuncles, diseases which have not only increased much in frequency of late years, but also in severity.

One very important duty of the medical officer, and one on which the subsequent condition of the men much depends, is to examine carefully the physical condition of the candidates who obtain nominations from the Postmaster-General. Formerly, men of all ages, who could bring a certificate of health signed by any medical man, (often given without making any examination of the candidate,) were admitted to the department. The consequence was, that a great number of persons were employed in the office who were not nearly strong enough for the duties, and many of whom, indeed, were scrofulous or consumptive, or suffering from some other organic disease. Some of these have, of course, been superannuated and pensioned, or have died.

One of the results of admitting men into the office without their having been subjected to proper medical examination has been, that during the whole time that I have been attached to the department, up to the commencement of last year, 50 per cent. of the deaths have been due to consumption—a proportion more than double the normal ratio. I hope and believe that so large a death-rate from decline will never be found again in the annual reports. But there are still not a few left, and these help to keep the mortality and sickness at a point higher than it would otherwise be. Under the present regulations, all candidates for appointments of any kind are subjected to a strict examination by the medical officer. On the average, perhaps, nearly 20 per cent. are rejected for physical causes, independently of those disqualified by the Civil Service

Commissioners. The ages of the candidates, instead of being almost unlimited, as was formerly the case, are now confined to between seventeen and twenty-seven. The men may remain in the department as long as they are fit for the work. They may claim their pension when arrived at the age of sixty, if they wish to do so, but they are not called upon to resign at that age if they continue to discharge their duties to the satisfaction of the authorities.

I have no hesitation in stating my opinion that the system of providing official medical attendance should be carried out in all the Government departments. It will be found not only beneficial by saving life and preventing disease, but it is economical to the country by preventing absence from duty, and unnecessarily early superannuation on the part of the *employés*, not to mention its acting as a check on malingerers.

Supplying the men with clothing of better quality, and giving them a suit for the hot months of the year, in addition to the single suit formerly allowed, has contributed to their well-being directly and indirectly. The mackintosh cape has been banished, as it should be whenever it has to be worn by persons in motion, and a waterproof, but not air-tight Inverness cape substituted. This change has, in my belief, been the main cause of the decrease in the number of cases of rheumatism that prevailed in the office till that time. Another improvement in the dress is the insertion of ventilating gussets in the men's clothes. These are the invention of Mr. Merrett, the surgeon of the India Board, and have proved very beneficial in use. They are applied to all the uniform coats and trousers.

Much diarrhœa used to prevail among the letter-carriers, sorters, and stampers during the summer months while at work in the office. On investigating the character of the water supplied to the men, I found it charged with nitrates, and carbonic acid gas. These ingredients imparted to it the pleasant cool taste and sparkling appearance that had caused it to become a favourite beverage among these officers. It was obtained from the neighbouring pump at the Goldsmiths' Hall. As these foreign matters could only have found their way into the well water by the decomposition of organic matter in a more or less completely oxidised state, I recommended the erection of drinking fountains in various parts of the office, with a constant supply of filtered water; the filters employed are Dahlke's silicated carbon filters. Since this has been done, the affection in question has much diminished.

The last in the list of the causes contributing to the improved condition of the postman which I shall mention, is to be found in the great alterations that have been effected during the last few years in the chief office, and in the well-planned new district offices that have been erected in the postal districts of the metropolis. The interior of the principal establishment in St. Martin's-le-Grand would be scarcely recognised by the architect, Sir Robert Smirke, if he could be present in the flesh to visit it. Light has everywhere dis-

placed darkness, and circulation has taken the place of stagnation. These improvements in the condition of the atmosphere of the offices, combined with a diminution in the amount of labour required of the men, by the employment of a large number of auxiliaries to do the evening deliveries formerly done by the letter-carriers and sorters in addition to their day's work, have tended greatly to prevent the exhaustion of the strength of the men.

I do not know that there are any diseases that are special to this useful body of public servants. As I have before stated, a large proportion of the deaths are owing to consumption, but this, in my opinion, is solely due to the fact that a great many of the men obtained admission with the seeds of this fatal complaint already implanted in them. When this is the case, exposure to cold and wet, especially if the effects of such exposure are heightened by improper or insufficient clothing, will cause this disease to run its course rapidly. I hope that in my next annual report, and in those that follow, phthisis will no longer figure for 50 per cent. of the deaths.

Rheumatism is a complaint that always holds an important sway among persons exposed, as the letter-carriers are, to all the vicissitudes of weather. During the last two years the number of men attacked by this complaint has been decreasing. Although there have been 568 cases of acute and chronic rheumatism among an average of about 1,400 men during the last six years, no attack has terminated fatally.

Among the same number of officers, and during the same period of six years, there have been 958 cases of diarrhœa, all of which have done well.

As might be supposed, the great majority of complaints requiring treatment are colds, catarrhs, bronchitis in an early stage, and sore throats, with or without ulceration. About 400 cases of these complaints are treated annually.

Most of the cases of boils and carbunculoid disease are attributable, in my opinion, to eating unsound or diseased meat, many tons of which are sold in Newgate and the other meat markets of London, in addition to the large quantities condemned and seized by the inspectors of meat.

I have thus endeavoured to bring to the notice of this Department an outline of the sanitary condition of the London postmen, and I think that the facts thus adduced prove that much of the disease that thinned the ranks of the men in former times was preventable, and that, provided the men are of fair average health and strength when they enter the service, there is nothing in the nature of the employment that militates against their retaining their health to an advanced period of life.

THE CAUSES WHICH MODIFY THE PUBLIC HEALTH.

On the Influence of Occupation on Health and Life. By E. SYMES THOMPSON, M.D., *Assistant-Physician to King's College Hospital, Physician to the Artists' Fund, &c.*

IN the out-patient department of a large metropolitan hospital there are unusual opportunities for investigating the diseases of the artisan class. But in collecting statistics there is this source of fallacy. The number of patients of any one trade applying at a hospital are proportionate to the number of persons following that trade in the neighbourhood in which the hospital is situated. We propose—without binding ourselves to the numerical method—to classify the various occupations, to indicate the diseases incident to them, and append a few remedial suggestions.

Chemistry might give us a basis of classification, by determining our arrangement by the nature of the poisonous or injurious matter, whether organic or inorganic; whether carbon, phosphorus, mercury, or iron.

Physiology again might afford grounds of classification, our divisions being made according as the noxious influence is exerted on the respiratory, circulatory, or nervous organs; or whether it gains access by the stomach, the lungs or the skin; or lastly, the more popular principle of arrangement might be adopted, classifying the occupations, according to their nature and character, whether accidentally or necessarily injurious, whether prosecuted in-doors or in the open air. This last seems best adapted for our purpose, although, like all the others, liable to objection and cavil. I shall confine my observations chiefly to in-door occupations. Those carried on in the open air are vastly more healthful, the average length of life of the agricultural labourer exceeding by several years—as is well known—that of the artisan. One of the reasons for this difference is, that in large towns the air is constantly contaminated with carbonic acid, ammonia, and other injurious gases, which cannot be removed so rapidly as they are formed, and, as recently shown, active oxygen (ozone) cannot be detected in a neighbourhood where ammonia is evolved in considerable quantities.

It will be adequate for our purpose (for a complete enumeration of all trades and their influence on health is impossible) to select some salient or typical modes of injury from each class. For instance, of in-door occupations not necessarily injurious, I will select Printing. In a large majority of printers—there are many hundreds who present themselves every year at the hospital—the malady may be distinctly traced to the occupation, and no wonder, for they work often 16 or 18 hours a day in a confined and heated atmosphere, perhaps thirty men, and as many gas-lights, in a low room without ventilation by window or chimney, where air only enters when the

door is opened. The old compositors, who from custom can stand this intense heat, handle the type more quickly when the hands are moist with perspiration, and oblige the less seasoned men and boys to work in an atmosphere almost poisonous, and at a temperature little short of blood heat. The number of hours during which printers are exposed to these accumulating evils is often preposterous. Last month I had under treatment a compositor who worked for a Sunday newspaper from Thursday morning to Saturday night without intermission, and I am assured that this is no uncommon circumstance.

Printers with a story like this come before me daily.

A. works 10 to 18 hours a day, in a low room, windows all closed at night to prevent the gas blowing about.

B. works with twelve others, 10, 12, or 14 hours a day, in a cellar, with 14 gas-lights burning day and night, and an offensive water-closet in the room.

C., "laying-on boy," æt. 13, works 12½ hours a day, and often all night too.

Whatever the malady to which these unfortunates are subject, it is marked by a languor and debility so characteristic, as to render the question "What is your occupation?" quite superfluous. It has occurred to me that this state of extreme depression, with sweating and slow pulse, may be due to the imbibition of antimony, of which the type is partly formed. The symptoms are so closely analogous to those of chronic poisoning with antimony, as to render further inquiry in this direction very desirable. Compositors often suffer from palsy of the muscles used in handling the type; this arises from the introduction of lead, probably through the skin.

Printing is only one of the many trades which entail the sacrifice of every hygienic necessity, and the cause of the unhealthy looks of the workpeople cannot fail to strike any observant person who may visit their workshops. The rooms are mostly low, the windows fixed, and there is often no chimney or other ventilation. This is the case in large and small factories, as well as in workshops, in the workroom of the milliner, the sempstress, or the book-binder.

The sedentary nature of these occupations is detrimental even in those rare cases in which the rooms are spacious and ventilation sufficient. The mere fact of sitting in a confined position for many consecutive hours, tends to produce derangements which can only be avoided by daily active exercise in the open air, and it often happens that the workman is little disposed after his day's work for anything but sleep.

The young men and boys who are employed in offices, and at law stationers', are often obliged to sit all day at a desk on a high stool. Having no back to lean against, they press the chest against the desk, and thus interfere with the free action of the lungs. One cannot marvel that many of these fall early victims to consumption and other thoracic complaints.

The substitution of a chair, or the addition of a back to the old stool, often gives great relief in these cases. By the use of quills instead

of steel pens, that exhaustion of the hand which sometimes terminates in writer's cramp or scribe-palsy, may be lessened or escaped.

A great responsibility rests on the writing masters and mistresses of our national and other schools, in attending to the attitude of the body, as well as the position of the hand and fingers of those under their guidance. Much ill health and disease might be prevented, and, I believe, many lives saved, if our children were taught to write in an easy posture, instead of twisting their bodies, as is too frequently the case, into the most impossible contortions, and leaning forward as if bent on writing with their noses.

The evils of overcrowding, deficient ventilation, and close confinement, are fully realized by this Department, and need no words from me to prove or enforce. I wish, however, to claim attention to some of those evils which are less widely known, and less frequently talked of.

In many occupations, besides the evils alluded to, the air is charged with foreign matters, which are drawn into the lungs at each inspiration. We meet with so many examples of this kind in hospital practice that it is difficult to enumerate or classify them.

In paper manufactories, a number of boys, called "shoddy grinders," are employed to sort, pick, and tear up dirty rags; they suffer severely from a peculiar kind of bronchitis, arising from the irritation of the dust inhaled. The cough, which is the first symptom, is aggravated by daily exposure, and is followed by expectoration, and, if the occupation is continued, emphysema, or, in those predisposed to phthisis, tubercle, is developed. Cocoa-matting weavers, chaff-cutters, and many others suffer in the same way. The dust and fluff arising in flax, woollen, and cotton factories, and in fur works, produces similar effects. An able report on the influences of fluff inhalation has been recently published. Bakers too, and millers, suffer from flour in the air, but the men at the patent flour works (as Robinson's and Polson's) are still more prone to bronchial irritation, for here the flour is highly dried, often twice baked, and minutely pulverized; the particles are disseminated in the air much more than in ordinary flour mills, where the flour is moist.

We have all heard how destructive the inhalation of metal filings is to the knife and fork-grinders of Sheffield, and so much has been said about them, that I shall do no more than allude to the subject.

If the objection of the workers to the magnetized gauze respirators could be overcome, the fatality of this occupation might be removed; but it is found as difficult to outweigh the bias of fashion and induce a fork-grinder to wear a respirator, as to get a young lady to leave off stays or any other detrimental absurdity. Unfortunately, too, the masters often dislike the use of respirators, as apt to frighten the men and make them strike for higher wages on the ground that the work is dangerous and injurious to health.

In London we see but little of the fork-grinders, but a number of brass-finishers come before us almost daily. Whether the work is filing, burnishing, or at the lathe, particles of brass float in the air;

sometimes these are so large as to be immediately observed and spat from the mouth; more often, however, they are exceedingly minute, gain entry to the respiratory passages, and produce a very trying form of irritant bronchitis, analogous to that from which the stonemasons suffer, with frequent cough and spitting of blood.

I have frequently induced these patients to wear a handkerchief over their mouths, but they have always discontinued it so soon as the cough ceased to be troublesome, and have only resumed the respirator on the reaccession of bronchial symptoms. Unfortunately, the magnetized gauze, so useful with steel filings, is not eligible here. If any one could suggest something to supply to the brass-finisher what the fork-grinder has found in the magnet, he would confer a boon on those whose occupation must now be classed among the "necessarily injurious in-door occupations." Men employed in glass cutting, grinding, and roughing, and those who work with sand-paper, suffer in a similar way.

The effects of naphtha and turpentine fumes in the polishing shops, of sulphuric and prussic acid in the dyeing works, of putrescent effluvia in the glue manufactories, fœtid acid vapours in starch works, coke vapour in tin-plate and gas establishments, these, and a host of others, might afford subjects for special investigation.

We have generally found the masters, who dislike the thought that their work is more noxious than that of their neighbours, ready to carry out any hygienic plan which does not entail much outlay; but familiarity with the work and its results often allows them to pass over unnoticed what would at once strike a casual visitor. Much good may be done by the occasional visits of well informed and observant persons to manufactories and workshops; a practical suggestion is generally taken in good part, and some slight modification in the daily routine may often prove permanently beneficial. These points especially should be attended to. Let overcrowding and over-heating be avoided. There should be an abundant supply of pure air. The hours of work should be moderate, with fair intervals for meals. If there is much dust or other foreign matter in the air, a suitable respirator should be used, or the offensive particles should be carried off by a current of air produced by a chimney or revolving wheel. Again, mechanical appliances may often take the place of hand labour, and much may often be accomplished by the application of practical science and chemical knowledge. That most fatal of trades, "water gilding," for instance, has disappeared before the art of the electro-gilder; and electro-soldering, which is quite innocuous, has taken the place of ordinary soldering.

If a plan could be devised of silvering mirrors without injury to the workpeople—I see no reason why this is impossible—it would confer a boon on those who cannot now follow this occupation without injury. The weakness and tremulousness of the hands, which gradually, though surely, creeps upon barometer-makers and looking-glass silverers, is followed by stammering and loss of memory; death

is generally preceded by delirium, epilepsy, or apoplexy. If the patient can be induced to leave the occupation before the disease has made much progress, a cure, or at least very great improvement, may be anticipated.*

Plumbers, painters, and all workers with lead suffer from the effects of this metal. It enters the system in various ways. Many, like the ex-royal family of France, at Claremont, are poisoned by lead in the water; others by eating preserved meat packed in canisters soldered with lead. I knew a gentleman who was at the point of death from lead palsy, when it was discovered that the snuff he was daily consuming in large quantities was highly charged with this metal. Devonshire colic arises from cider impregnated with lead, and the allied affection ("dry belly ache") common in the West Indies, from lead in the rum. In this country wines are occasionally adulterated with the same metal. Its continued introduction, even in minute quantities, often produces the most disastrous results, for it is a poison which does not, like many others, stimulate the excretory organs, but impedes their function; it is not removed but accumulates in, and destroys the organism. The workers with lead form a very numerous class. The roasters and smelters, and sugar of lead factors, the solder-makers and those who roll up the white and red oxides of lead with turpentine and oils, the solderers of gas pipes, brass instruments of music, and brass-fitters, potters, glass-blowers, glass-cutters, and lapidaries, and all those who use putty-powder (an oxide of lead and tin) in their polishing operations, type-founders and finishers, printers, plumbers, and those who roll out lead.

The symptoms of lead poisoning from which all these often suffer, are well known to medical men, blue line on the gums, taste of lead in the mouth, a peculiar odour in the breath, pale and earthy or jaundiced complexion, colic, emaciation, great susceptibility to fatigue, followed by wrist drop, muscular wasting and paralysis. The circulation and respiration are enfeebled, the secretions and reproductive power lessened. Death is preceded by delirium, coma, or convulsion.

Closed fire-places should be employed in the place of open fires, to render the inhalation of plumbeous fumes (by the workpeople employed in many of the trades named) impossible; and, instead of the impure

* This case shows how rapidly quicksilver may affect the system.—G. D. a healthy looking man, æt. 46, came to King's College Hospital a few weeks ago with sore gums—they were red, swollen, and tender—the characteristic mercurial fœtor in the breath was at once noticed. I inquired whether mercury had been taken as medicine, but was answered in the negative both to this and other questions as to the use of quicksilver in the occupation or otherwise. I could not doubt, however, the origin of the malady and prescribed accordingly. A few days later he returned improved, and mentioned that, two days before his first visit, he had worked for half an hour fixing an experimental gas-meter, and had immersed his fingers in the cups filled with mercury in which the meter worked; this circumstance he had previously forgotten, and could not believe that it stood to his malady in the relation of cause and effect.

putty-powder in use, the innocuous oxide of tin might be substitu
In some workshops screens may be advantageously introduced,
in others a respirator is essential. White lead might be mixed
oils and turpentine by the employment of a mechanical contriv
like a churn or coffee-mixer, without subjecting human beings t
influence of the compound, as in the following case lately under
observation, which I must be allowed to mention.

A poor woman was induced, for a few shillings a week, to
white lead with oil and turpentine. The work was known t
dangerous, and men could not be found to undertake it. She
employed for twelve hours a day, with her arms to the el
immersed in this compound; soon, the wrists became feeble, and
arms palsied, and in a few weeks there was general paralysis of
arms and legs, with flabbiness and wasting of all the muscles.

Painters should be especially warned against eating with unwa
hands, lest they should swallow with their meals the paint adhe
to their nails and fingers. In Edinburgh, where the painter
home to wash and to eat their meals, Dr. Christison has obse
that lead palsy and lead colic are scarely known; in London, howe
where they live at great distances from their work, they eat
meals in the workshop, and frequently suffer. It is not impos
that this immunity of the Scotch painters may be partly due to
fact that gout, a predisposing cause of lead colic, is hardly kn
among the whisky-drinking Northerners, whereas it is but
common among their porter-loving brethren of London.

Intemperance is especially to be deprecated among these w
people; but preventive drinks have been found of great advan
to painters and others employed in lead works, as sulphuric-
lemonade, which converts the lead into an insoluble sulphate
Benson's acidulated treacle beer.

Paint should be ground, when possible, by mechanical powe
those who grind it not only rub it into the skin but inhale the pow
A clown lately came to me with salivation and other sympt
arising from oxide of lead with which he had painted his
Bismuth would have been quite as effective and not injurious.

Women employed in lead works rarely bear healthy children;
large number of cases miscarriage occurs at the fifth or seventh mo
and if the children are born alive, they rarely survive long.
exerts a similar influence on the reproductive powers in the male
men with lead affections seldom produce healthy children. In
Greenhow's elaborate statistics on the influence of trades on life
death rate in the lead mining districts is shown to be influence
this fact.

There is another poison from which painters suffer sometimes
one even more destructive and fatal than lead. It is arsenic, w
in the form of arsenite of copper, in Scheele's and Schwein
green, is so largely used in painting, papering, and artificial-fl
making. Here are some details of five cases at the same
under my care.

A., a young woman, working three years at flower-making, but as her hair fell off and she was ill from the arsenic, she went to service.

B., a man, works with Schweinfurth green and turpentine—gums and palate sore, flow of saliva increased, tongue white, swollen and sore, tonsils swollen, spitting blood from throat daily.

C., a woman, æt. thirty, (looking fifty,) worked several years at flower-making, has lost all the hair from her head, eyebrows and lids, no appetite or power of digestion, suffers from pain in stomach and intestinal irritation.

D., æt. thirty-three, has worked twelve years at artificial-flower making. Eyes inflamed, eyelashes entirely gone, hair falling off, muscles very weak, has been only lately working with green flowers and leaves. The boys who roll up the newly made green paper-hangings are affected with loss of appetite, sickness, and great depression; after a few weeks' work they are generally obliged to cease for a time and then again return to it. The masters are unwilling to admit the noxious nature of the occupation, and too often the parents are unwilling to lose the advantage of their boys' earnings, even when they know the danger to which they are exposed.

A mother once said to me, when warned, "We're poor people, and my boy's 7*s.* a week makes a deal of difference to me and the little ones," and thus the poor little fellow fell a victim.

The symptoms are not at first sight so characteristic as to lead to an immediate diagnosis; but when several cases of the kind have been met with, and when the habit of inquiring into the occupation of each patient is formed, they do not so readily escape detection.

The following are some of the symptoms most commonly met with. Nausea, with languor and sleeplessness, diarrhœa tenesmus, ptyalism, eruptions about the lip and nose, conjunctival irritation, falling off of the hair, and that "nameless feeling of illness" so specially characteristic of chronic arsenical poisoning. Some of these symptoms might arise from other causes, but the peculiar grouping of them, and the history of the case, leaves no doubt of the etiology. Much harm has been done by reports of "arsenic eaters" who have been said to thrive upon this drug. Scientific investigation has proved the fallacy of these reports, and the use of arsenic in any form, except as an occasional medicine, is much to be deprecated. We are happy to find that a new green pigment has been lately suggested which contains no arsenic, and hope it will soon displace Scheele and Schweinfurth greens. Let us hope that, as public attention is drawn to this subject, these colours may be practically interdicted, and that we shall hear no more of children and adults accidentally sacrificed to this most fatal poison.

Lucifer-match makers suffer from an insidious disease of the jaw, terminating in death of the bone, often necessitating a severe surgical operation (as in a case lately under our observation). Many attempts have been made to remove the source of this evil; 1st, by the exposure of saucers of turpentine to absorb the phosphorus

fumes; 2nd, by the diminution of the quantity of phosphorus; or 3rd, by the addition of camphor to the mixture into which the matches are dipped; 4th, by tying a sponge moistened with soda or potash over the mouth of the worker; or 5th, by the use of a mask attached to a tube communicating with the external air. But all these are merely palliatives, and even if the masters found means to prevent the ill effects, the workpeople would neglect them; and if the larger manufacturers took needful precautions, there are many small ones where children work, in London garrets, who will never be cared for.

Let us hope that our chemical brethren will find some method by which the new amorphous phosphorus, which is not injurious, may be substituted for the common variety of this element. All previous attempts in this direction have previously failed, mainly in consequence of the greater expense of the new process. It has become a question whether the use of the stick phosphorus in this manufacture should not be prohibited.

In the preceding pages I have attempted to indicate means by which the noxious influence of many occupations may be remedied, and the trades more healthfully prosecuted, and, without encroaching on the distinct, though kindred question, of the nature or amount of legislative interference desirable; I may be permitted to conclude with the expression of a hope that, by the broader discussion of the subject, public opinion may be modified, and private influence set in motion, till our science is as zealously employed for the well-being of those who do the work as for the luxury and adornment of those who pay for it.

On Overcrowding in London; and some Remedial Measures. *By* George Godwin, F.R.S., F.S.A., &c.

"Overcrowding" means want of pure air; and want of pure air means debility, continued fever, death, widowhood, orphanage, pauperism, and money-loss to the living. It should be needless now to give proof of its deadly doings. The often-told old story of the Calcutta Black-hole should alone have sufficed. The more recent incident in the Military Hospital at Versailles is less known.

For several years, in a particular month, being about a week after the arrival of the then king at St. Cloud, there was a murderous epidemic of typhoid fever among the soldiers of the garrison. It never attacked the civil population, nor the officers, even of lowest grade. The cause was simply overcrowding. The garrison ordinarily consisted of 400 or 500 men; but when the then king came, the number was increased to 1,200. The men were in consequence closely packed in small rooms, and fever and death appeared at once amongst them. The non-commissioned officers, better fed and never sleeping more than two in one room, escaped.

In the metropolis, within the last dozen years, great improvements in a sanitary point of view have been effected, legislation and public opinion having been brought to bear on the subject. As regards the particular evil, however, to which I would direct attention, it prevails still to an alarming and dangerous extent, and calls aloud for the application of such remedial measures as may be possible. Tracts have been cleared, new streets formed; hundreds of houses unfit for habitation destroyed; and though these steps must on the whole be viewed as most advantageous, it cannot be doubted that they have had the effect of filling some neighbourhoods more densely than before.

In the once notorious St. Giles's, model lodging-houses, churches, chapels, fine schoolrooms, and other useful buildings, have taken the place of former dens, and have altered entirely the aspect of the locality. Even in most of the old houses which remain the conditions are changed. The common lodging-houses, which were formerly sinks of iniquity where any number of persons were allowed to horde indiscriminately in filthy rooms, are now under the eye of the sanitary department of the police, and improved drainage, water-supply, and breathing space are insisted on. Overcrowding still occurs in some of the houses; but we must look elsewhere for the greater part of the population formerly here. Some we may find in Seven Dials, in Great Wylde Street, and in the fearful alleys leading out of Drury Lane: people as evil, and living under conditions as bad, in a sanitary point of view, as existed in the worst days of the "Rookery." Take, for instance, Lincoln Court, running from Drury Lane to Wylde Street; a place to which public attention was directed not very long ago by the discovery in it of a little child who, entitled to some fortune and position, had been cast into the river of vice flowing there by one who should have been a protector. The reflection, by the way, as to what this child would almost necessarily have become if it had been left to its fate in Lincoln Court, and what it may be with right teaching and under better circumstances, suggests a lesson, and illustrates the value of a healthful and well-regulated home. In such a neighbourhood as this, it is not easy to learn exactly the number of occupants in a house. There seems to be a fear amongst them of being meddled with, especially if Irish, which leads them to disguise the facts. It is certain, however, that the population of Lincoln Court is proportionally enormous. As far as could be ascertained, every room contains a separate family, if not more, and is thickly occupied. The inhabitants are of the dangerous classes. Haggard and drunken women, with every trace of womanhood blotted out, are in the pathway; and there are swarms of children, some trained to begging, and others, it may be feared, to worse. In the majority of the houses the rooms are small, and the staircases are narrow and without ventilation. In two of them it was admitted that more than thirty-five persons lived in each; but it would probably be nearer truth to say that each house of eight rooms contains, on an average, including children, forty-five persons; and as there are twenty-one

houses, we have here perhaps 945 persons of the worst class pent up to their own destruction and the danger of the public. In one small room I found a man and his wife and six prostitutes who were set forth as their daughters, but could not be so. Some scenes here I could not venture to describe.

Evidences of overcrowding turn up from time to time where they are not looked for. It was but the other day that a child was found dead in Brownlow Street; and on inquiry, it was learnt that the mother, a widow, and six children, slept in one bed, in a small room. The death of the child was attributed to the bed-clothes. In such an atmosphere as a room so occupied must have, the vital power necessarily becomes weak; and to kill is easy.

In a house of respectable appearance outside, I found a hole under the stairs made the sleeping-place for three persons, twenty-one, seventeen, and fourteen years of age. It was intended originally for the reception of coals; it is not more than four feet deep, and the height, of course, diminishes to nothing as the steps descend. When the door is closed there are only seven small gimlet-holes in the stairs for ventilation. Is it surprising that fevers break out under such circumstances? One is struck, sometimes, with the strange contrivances resorted to to meet the difficulty of want of room. Thus, in a model lodging-house for families, a father, who with his wife and one child occupies one room, has accommodated six of his nine other children the crossway on two camp bedsteads, while three elder girls, one sixteen years old, sleep on a small bedstead near. The room is well ventilated and clean, but the same sort of stowing away is to be found in hundreds of cases under circumstances which render it deadly. In another room in the same building, a wooden shelf has been contrived which can be pushed under the bedstead during the day, and drawn out at night to accommodate a pile of children.

In a respectable house not far from the last, occupied by steady artisans and others, I found that nine persons slept in one of the rooms, (12 feet by 14 feet,)—a father, mother, and seven children. Eleven shoemakers worked in the attics; and in each of the other five rooms there was a separate family. I could quote scores of such cases of overcrowding in what would seem to be decent houses, but the repetition might tire. No words, even aided by the pencil, can give a full idea of some of the dens which are occupied by a lower and different class; many born to evil and without the power to rise; others, the victims of more recent misfortunes or their own conduct. The world has still an interest in improving their condition: children as yet innocent cry aloud to be rescued from the otherwise inevitable gulf. In some places in the eastern districts, quite recently visited, I have found ten, eleven, and in more cases than one, fourteen persons occupying a single room. Nor can any authority interfere even when this occurs in a house let in tenements, so long as it is believed that the persons so lodging are members of the same family. The Nuisances

Removal Act would seem to give power to remedy such cases, but practically it fails.

Seven hundred cubic feet are shown to be the smallest space, under ordinary arrangements, that will afford one person healthful sleeping room. In apartments such as I have last described, the occupants have not one-fifth of the required space.

Years ago, in treating of this subject, I illustrated with engravings the contents of the houses in Charlotte's Buildings, Gray's Inn Lane.* The population here continues to be immense; and although the drainage has been improved, the houses remain as black, as grimy, and as crowded as ever. In some of the dwellings the crowding is even greater. Close by are the houses known as Tyndall's Buildings, which have been made fit for healthful habitation by the Society for Improving the Condition of the Labouring Classes. These are let in apartments at moderate rents, and, nevertheless, are not full. It is most desirable that the real cause of this should be made clear. Formerly the houses there were crowded from the cellars to the attics, as those in Charlotte's Buildings and other places near still are: and now that the conveniences have been increased, the water-supply is improved, and other good arrangements have been made, rooms remain unlet. Various reasons may be suggested, but I must not pause to discuss them at any length.

Particular classes of the metropolitan population require peculiar accommodation. The costermongers, for example, who occupy Charlotte's Buildings, the neighbourhood of Leather Lane, and elsewhere, need room for their goods, barrows, and donkey-carts,—much space for small rent; and this is difficult to obtain in London. An attempt to meet their wants was made in the underground part of the Portpool Lane building, but it did not suit them to be separated from their goods; and so they continue where they can herd together as they like.

Hundreds of modern houses, built in decent suburban neighbourhoods, as if for one family only, are made to contain several. The neat external appearance of many of them gives no suggestion of the dangerously-crowded state of the houses. A description of one in Bemerton Street, Caledonian Road, will be more truthful. The basement below the level of the street contains in the front room an old man and his wife; in the back room, two lodgers; in the parlours, there are a man and his wife and eight children. On the first floor a man and his wife and infant; two girls, sixteen and eighteen years of age, and occasionally their mother,—all in the front room; and in the small back room, two women, a girl, and two young children. On the second floor, a father, mother, two grown-up sons, an infant, and a brood of rabbits. Two women and two boys in the back room make the whole population of the house thirty-four. In the next house there were thirty-three persons similarly divided. In a street

* "London Shadows Glance at the Homes of the Thousands." By George Godwin, F.R.S. See also Town Swamps and Social Bridges," by the same.

to the westward matters are even worse. The houses, moreover, are altogether unsuited to the use they are put to. Ventilation is not attended to; the drains get out of order, the "traps" are destroyed, and the atmosphere is poison.

In some old houses, in the St. Luke's district for example, the houses being built back to back, there is no current of air. In one house, with staircase in the centre, there were in the four small rooms on each side of it, forty persons in the daytime. How many there may be at night I cannot say. The atmosphere on the staircase was sickening.

The Act for regulating Common Lodging-houses has worked well; fevers have ceased to infest them; and the manners even of those frequenting them, it is said, especially with reference to the provinces, are much improved. The Act nowhere defines the class of buildings intended to be designated as common lodging-houses, and a very limited application of it was made. I cannot avoid the conviction that its powers should be further applied; that all houses let in tenements should be registered, inspected, and regulated. It might be desirable to limit the application to houses let to more than two families, but this would be for consideration. Competent inspection and restriction as to the number of occupants in a given space are absolutely necessary. It should be no answer to the requirement of a certain cubical space for each occupier, that the financial resources of the parties would not admit of it. A man is not permitted to poison with prussic acid those who are dependent on him because he is poor; neither should he be allowed on that ground to kill them with bad air, and set up a fever-still for the benefit of his neighbours. "An Englishman's house is his castle" is a good saying, but surely it should not protect the ill-doer. Prejudices should be met as far as might be practicable; and if the duty of inspection were confided to the same department that now attends to common lodging-houses, it might be desirable that the officers employed should wear a distinctive dress, that their business at a man's house should at once be seen. Moreover, they should possess special knowledge and aptitude. It appears certain that typhoid fevers have been recently destructive of life beyond former experience, and that, too, not so much in the dwellings of the poor as in those of a higher class. It is equally clear to all who have well considered the subject, that these diseases result from the neglect of sanitary law. The parish inspector, the medical officer of health, and the sanitary police, have been at work in the courts and alleys, crowded back slums, and common lodging-houses; and have effected great improvements in many quarters,—lessening the prevalence of disease. It is not too much to say that the inspection by competent persons, armed with certain powers, of the town and suburban dwellings of all classes, nay of dwellings in the country too, would be productive of the greatest advantage.

It is known that people are made ill and die from preventable causes. Endeavours, then, should surely be made to prevent them. An inquest is held touching deaths that occur through poison, or

violence, or accident. We know that thousands of persons die as surely through sanitary ignorance, and neglect, wilful or otherwise, of sanitary laws. If inquiry were made in such cases, great advantages would result. At any rate, the buildings in which deaths have occurred from this known class of diseases, and the circumstances attending the deaths, should be investigated. It is not too much to assert that, in a large proportion of the cases where several members of a family have been swept away by zymotic disease, the proximate cause might be discovered by careful inspection on the part of qualified investigators. The assertion on the part of the occupiers that there is nothing wrong about the house, and that it is perfectly healthy, is worth nothing. Custom blunts perception; and ignorance does not perceive. In a room over a stable in Baker Mews, Portman Square, three children died in less than three months. The briefest examination showed a bedroom without ventilation; a closet ill-placed; and the access of evil odours from below. With respect to a house wherein some fatal cases of diphtheria had occurred, it was asserted by some who ought to have known better, that there were no obvious reasons why the house should be unhealthy: the neighbourhood was open: the doctor had found no fault. On a personal examination, what was seen? An outhouse nearly filled with vegetable refuse; two water-closets in the house left without any but an accidental supply of water, through a disarrangement of the cistern that had not been attended to; an overflow of water from the cistern to saturate the dust-bin and vegetable refuse; and, to make matters still worse, a choked drain which brought the soil back into the yard. Could such blindness be imagined? This is no invention, but a faithful picture. I could give scores of such cases from my own experience.

In a house not far from that last mentioned, the child of working people was carried off in a day and a half by the same disease. I sent a careful inquirer (Mr. Brown), who found that the parents occupied a small room in a house let to lodgers. In the basement, damp and unwholesome, were two families of costermongers, who at night kept fish and other offensive matter in the rooms. Here were dogs, cats, children, and dirt. In one room above them lived a shoemaker, wife, and son; in the back room a large family; and separate families in each of the four rooms above; one of the rooms including also, as is often the case, a number of rabbits. The atmosphere was offensive. The dust-bin was without cover, and the "closet," necessarily inadequate, was at the foot of the stairs. None need wonder that disease visits such a house. If intelligent inquiry were oftener made, cause and effect would become more widely recognised.

Amongst the causes which lead to the evil we are deploring, we must not overlook the gradual increase of children, while, in the case of the labouring man, the income mostly remains the same. The want of providence on the part of such men is often commented on with good intentions. But, while admitting that better use might

be made of their income in many instances, we must not omit to remember the cost of living in London, especially with a large family of children, and that thousands of these men are regular subscribers to benefit trade-societies and other associations for providing aid in the event of sickness, accident, or death. The sum thus laid by is enormous. As the children increase in number the wife is prevented from adding by her earnings to the income, and many years must elapse before the children can be put to work. To this class, often thus driven to evil lodgings, the occasional inspection of dwellings by authorised competent persons would be an immense advantage,—a saving of money, a saving of life and health! A consideration of their circumstances, moreover, suggests the importance of lessening the cost of wholesome and comfortable lodgings by all practicable means. Machinery, as I have elsewhere on other occasions urged, might be brought to bear in carrying out this view to a greater extent than has yet been attempted. As boats of a peculiar set of patterns may be built in numbers at an immensely reduced cost, so might houses be cheaply built for the struggling classes. The increased value of land in towns forms necessarily a material item, and seems to necessitate building high instead of building wide. The ground rent for two sets of apartments would remain the same for say six sets formed one over another; and while, in the one case, it would be oppressive, or even insurmountable, might in the other offer no difficulty. Houses, moreover, must be built with a view to receiving a number of families, and not, as now, as if for one family only; and those assessments which militate against such arrangements should at once be considered.

It is not alone in sleeping-rooms that overcrowding to a dangerous extent still occurs. Look into the workrooms in many parts of the metropolis, and you will find them filled to far over danger point. Artificial flower-making, formerly practised mainly by individuals at their own homes, is now a great trade carried on by persons who employ large numbers of women and children, for the most part crammed into small rooms where healthful existence is impossible. In an upper room in Oxford Street, not 10 feet square, I have seen a dozen delicate young women closely shut up, pursuing this occupation; and there, when business is pressing, they remain at times from eight o'clock in the morning till twelve at night. In another house nearly every room is filled in the same manner. Many of the workrooms of fashionable milliners are similarly overcrowded, as are those where young girls are engaged in book-stitching. Take, as an example, a house in Fleet Street, looked at not long ago. The passage is narrow; a door in it shuts with a spring; the staircase is confined, and without ventilation; the atmosphere is steamy, and smells of glue; ascending, it is seen that all the doors shut with springs. In the first room looked into, forty young women and girls were sorting and stitching books. There was a stove, but no ventilation. Without going further into details,

there were more than 200 persons in that house, pent up without provision of the first necessity of life—pure air. Poor creatures so placed are being slowly slain.

Breathing space is at all times necessary, and more especially when sickness or death is in the house. Yet what do we often see? Amongst the London Irish, when death occurs, the neighbours and friends assemble in large numbers to poison one another. I have seen a small unventilated room thronged about the body of a child arrayed in flowers and ribbons, lighted by large candles in massive candlesticks borrowed from the publican. During the time of sickness, too, it is the practice to crowd the room. I have heard of thirteen persons round a sick woman in a small back parlour used as a bedroom.

In several parts of London, persons employed in making cheap clothing are boxed up in crowds, in a manner that could not be guessed by those who have not made a personal examination. In a small room not large enough for three, twenty-five tailors may be seen. In another, boys and women strive to get a living in a death-giving atmosphere. Shoemakers are often as ill placed. In wretched apartments, in an ill-drained house, may be found men and boys huddled together without room to breathe; where, as one so placed remarked grimly, while they are drawing the strings of misery they are "closing up" their own lives. Other trades, such as cap and bonnet makers, trimmers, blond-joiners, &c., to which I have looked with some little care, are forced in many places to do much the same thing. The extent of suffering entailed, and the loss to the community, it would be difficult to calculate. It is not simply a duty and an act of justice on the part of employers to provide wholesome workplaces for their people, but advantageous even, pecuniarily, in the long run. These inducements, however, do not prove to be sufficient, and it is time, therefore, that legislation should be tried. Interference is needed for thousands of persons, especially young females,—the debilitated mothers *in posse*, should they live, of our future population. In our infant schools, too, where incalculable mischief is done by overcrowding, it is greatly required.

This is no slight matter of which I am speaking. The evil is sapping the strength of the land; and concerns as well the political economist as the philanthropist and the Christian.

IMPROVEMENT OF THE PUBLIC HEALTH.

Town Sewerage and House Drainage. By ROBERT RAWLINSON, *Civil Engineer, F.G.S., Engineering Sanitary Commissioner to the Army in the Crimea, &c.*

THE "Principles" of town sewerage and house drainage will not be technically detailed in this paper; but, rather, facts which may be popularly explained and easily understood.

Whatever may be the antiquity of sewers, it is only now, in England, during the reign of Victoria, that town sewers are coming into general use. There were sewers and drains in ancient Rome, and most probably in other cities, ages before the birth of Romulus and Remus. But we have no evidences that any city or town of antiquity was sewered and drained as London is at the present day.

The intercepting and outlet sewers of London, as engineering monuments, will take rank with the great works of this age. Their extravagant cost may be questioned.

Town sewerage and house drainage have been carried out to a greater extent and to more perfection in England, during the last fifty years, than in any other country. By far the largest portion of such works has, however, been executed during the last twenty years; the sanitary inquiries commenced betwixt 1830 and 1840 having led up to this execution of town sewerage work.

Comparatively few towns, even in England, have fully adopted improved town sewerage and house drainage. There is a fear of incurring the cost.

Some towns have adopted works of public sewerage, but have not adopted house drainage. This is the case in Manchester, and in the towns in Lancashire generally. The difficulty of dealing with the accumulated sewerage is one reason given for such partial improvement.

The cost of main sewers, taken at a rough average, may be stated to be about one pound sterling per head of the town population. This, in general, represents a rate of 6*d.* in the pound, spread over thirty years, to pay interest of borrowed money and to clear off the debt.

The cost of house drainage varies with circumstances; but in towns, stating round numbers, the cost in the whole will be about equal to the cost for public works, namely, one pound sterling per head of the population. This includes the abolition of all cesspools and cesspits and the substitution of water-closet apparatus.

The first cost, namely 6*d.* in the pound rate for main sewers, is paid by the resident population. For a £6 house it is 3*s.* per annum, or less than three-fourths of a penny per week.

The cost of house drains is a landlord's charge, and is rarely added to the rent, because any such improvement adds more than an equivalent value to property. Houses properly drained command a steadier rent; that is, rent is more willingly and more regularly paid for houses in a good sanitary condition than for houses in a bad condition.

Where town sewerage and house drainage have been fully and efficiently carried out, the value of property has been increased much beyond the cost of such works. The increase for the house property of an entire town has been estimated at 25 per cent.

Town sewers and house drains effect a saving by improving health and by prolonging life, as well as by giving increased value to house

and other town property. Sewers and drains promote cleanliness and comfort; cleanliness and comfort promote morality and health; morality and health lengthen life; and in healthy human life value alone exists.

All social improvement must have root in cleanliness. Town sewers and house drains are therefore absolutely necessary to human progress. Philanthropy and benevolence work in vain, surrounded by subsoil and surface filth, and foul air. Workhouses, hospitals, gaols, reformatories, and schools, perform the task of Sisyphus until a base of cleanliness has been established.

There are at this time, in the cities and towns of Great Britain and Ireland, hundreds of thousands of houses in such a defective sanitary state that it is impossible for the inmates to enjoy health. The loss to the individuals and to the State is many times greater than the rent cost of proper works would be. The one is incalculable, the other need not exceed 1½*d.* per week at the uttermost for sewers and house drainage.

In a paper recently read by myself before the Society of Arts, and which is published in the Society's Journal, full particulars of town sewerage and of house drainage are given. In Alnwick the annual rate to repay the cost of main sewers, is 5*d.* in the pound; in Berwick-upon-Tweed, 3½*d.* in the pound; in Carlisle, 6*d.* in the pound; in Chorley, (Lancashire,) 6*d.* in the pound; in Lancaster, 4½*d.* in the pound; in Morpeth, 6*d.* in the pound; in Ormskirk, 4*d.*; in Penrith, 3*d.*; in North Shields, (Tynemouth,) 5*d.*; and in Worksop, 6*d.* in the pound. These towns vary in population from 7,000 to 30,000.

The average length of main sewer to each house was found to be about 5¾ lineal yards.

The particulars of draining cottages and houses in Wigan is as follows: 4,228 houses required 36,960 lineal yards of earthenware-pipe sewers of 4 inches, 6 inches, and 9 inches in diameter; or, about 8¾ lineal yards to each house, at a total cost of £8,796 19*s.* 10*d.* or an average cost of £2 1*s.* 4*d.* each house. The average cost of draining houses under £4 rental has been £1 1*s.*; not exceeding £8 rental, £1 11*s.*; not exceeding £15 rental, £1 18*s.* 6*d.* These figures do not include a water-closet, but include house and yard sinks, &c. Cottage soil-pans may be purchased ready to be fitted up, at a cost not exceeding 5*s.*

In the town of Alnwick the average length of house drains (taking 516 houses) was found to be 25½ lineal yards. Some of the streets are wide, and the houses stand back from the roadway, hence the greater length of drain. The cost per house drained is proportionately greater. Houses of about £7 rental, with one water-closet complete, cost, on an average, £5 4*s.* 4*d.* Houses of about £15 rental cost, on an average, £7 11*s.* 1*d.* Houses of about £40 rental cost, on an average, £15 3*s.* 3*d.* These sums include material and labour of all kinds, sinks in houses and yards, and water-closets.

The progress of town sewerage in England may be shown by the

amount of loans sanctioned for such works by the Secretary of State. Since the year 1850, 15th June, to the year 1862, 1st March, 178 cities and towns have been empowered to borrow £3,983,533, or nearly four millions sterling.

The Metropolis, and some large towns, such as Liverpool, Manchester, Salford, Birmingham, and other places, have expended large sums on town sewerage works without having the sanction of the Secretary of State. This sum may, in my opinion, be put down at not less than one million sterling; so that we obtain a total of about five millions sterling expended and sanctioned to be expended on town sewers within the last ten years, or at a rate of half a million sterling per year. If we add to this sum the probable cost of private works, house drains, &c., 2½ millions sterling, we obtain a grand total for the last ten years of 7½ millions. The Registrar-General most assuredly ought to find the effects in the improved health and increased value of life to the nation produced by such expenditure.

The foundation has been laid for national sanitary progress, but the most satisfactory results must not be immediately expected. Much of the money named has been laid out on works which do not produce the best effect. There are many miles of town sewers without house drains; and, as in the Lancashire towns generally, cesspits are retained in many sewered towns.

It will also be observed that the word "sanctioned" is used, and not actually borrowed and expended. In my opinion, based on a wide experience, full results from the expenditure of so large a sum as 7½ millions sterling on town sewers, need not be looked for during several years. The three millions now in course of expenditure on the intercepting and outlet sewers of the Metropolis are not included in my estimate of 7½ millions.

The science of town sewerage is very imperfectly understood even in England; like all new sciences, it has found ardent advocates and violent opponents; some good and much mischief is the result. Opposition is no doubt necessary to the perfecting of any new science; but, to be useful, opposition must be honest. That is, it should be the offspring of defective information, rather than of blind self-interest and rampant prejudice. Cottage owners oppose the introduction of town sewers and house drainage, because they will feel the first cost, and doubt as to any ultimate pecuniary benefits to themselves. The presence of fever and of general sickness amongst the tenants of their property is considered a matter of course.

The opposition of scientific men to town sewers is a more serious matter, because they can give reasons and express opinions calculated to mislead.

Towns should be drained to the depth of the foundations of the houses, and all soil and slop refuse should be removed at once, by drains and sewers, to some common outlet, before fermentation sets in. The adoption of brick sewers large enough for men to work in

has been advocated, and any use of earthenware pipes for town sewers denounced. These opinions have been promulgated, and vast mischief is the consequence, not only in England, but on the Continent, and in America, where English scientific journals circulate and are looked to for correct information.

The drainage of land met with opposition in like manner, and even now, "deep drainage" is denounced as a "wasteful expenditure of money." Land drainage, on the principles advocated by the introducers of "small pipes" laid "deep" is, however, progressing, because the results are found to be most favourable. Town sewerage, as advocated by the introducers of earthenware pipes for street sewers, is making progress, and will make progress, in proportion to the social benefits derived.

The principles of land drainage consist in laying all drains in right lines and true gradients, that water may flow out of the land and that atmospheric air may flow in; absolute truth of workmanship is required to accomplish land drainage in the best manner.

The principles of town sewerage and house drainage, as introduced, and practised, and as advocated by myself, are to set out all sewers and drains in right lines and true gradients, forming a manhole or lamphole at the junction of each change of line or change of gradient. Absolute truth of workmanship is insisted upon.

All sewers and drains, with their manholes and lampholes, are so constructed as to allow of ready inspection, cleansing if necessary, and flushing by water. Full means for ventilation and for disinfecting the sewer-gases by charcoal, as suggested by Dr. Stenhouse, are provided for.

All drains and sewers should transmit the fluid, and other refuse passed in, before fermentation to an injurious extent can take place. The invert, or the sectional diameter of the sewer, must be of form and dimensions to concentrate the fluid sewage, and any water used for flushing purposes, so as to preserve such invert and pipe-sewer ordinarily clean.

Cesspools of all sorts and forms should be abolished within towns and beneath or near houses; watertight and covered cesspools of continental cities and towns are dangerous to health. Any gases from fresh sewage, in motion, are comparatively innocent. Gases from stagnant and putrid sewage, whether in foul sewers or in foul cesspools, are highly injurious; if breathed, such gases are deadly.

There are many difficulties to be overcome in executing works of town sewerage. One of the most formidable difficulties at present is the outlet, and the permanent disposal of the sewage, so as not to be a cause of nuisance and injury to streams, rivers, and property. This question will, however, be practically solved before long. In most instances the fluid sewage will be applied direct to land for agricultural uses, so as to relieve towns and houses from that which causes disease, but will give life and fertility to the land.

The sewage of Croydon is now applied to land for two purposes. To disinfect and to purify the sewage-water before it finds its way

into the stream of the Wandle, and to fertilize the land. Both these objects are fully accomplished. The effluent water, as it flows from the land to the Wandle, is, by chemical analysis, found to be rather the purer of the two. In May, 1862, I saw 30 acres of Italian rye-grass which had been winter-grazed up to March, and had been irrigated by Croydon sewage. At the time of my visit (about the middle of May) this grass was being cut, having been sold for £8 per acre.

The Earl of Essex has used the sewage of Watford for several years with advantage, and sewage is now used successfully in many other places. With experience, present difficulties will be overcome, new advantages will be developed, prejudice will die out, and belief will take its place. It requires a full generation to kill off an established prejudice, even with recurring results of the most successful kind.

London bears testimony on the grandest scale to the good results to be obtained from the abolition of cesspools; when the hundreds of miles of ruinous sewers with flat inverts and uneven gradients are removed, and new sewers on the best plan substituted, far greater results in improved health will be obtained. The great intercepting and outlet sewers will have been made in vain, they may be injurious, if this work, so vitally necessary, be left undone.

The ventilation of the sewers of the metropolis, with the exception of a few in the city operated on by Dr. Letheby and Mr. Haywood, is of the rudest form. Foul gases are passed by openings to the atmosphere of the streets, which openings also admit grit and mud to the sewers and cause injurious impediments to the flow of sewage. This imperfect and doubly injurious arrangement may be cheaply altered, and whilst all sewage gases are filtered through charcoal, and disinfected, the grit, stones, and mud will be prevented from grinding into the sewers and drains.

It is of the utmost importance to any city, town, or district, that, in adopting plans of sewerage, correct principles shall be appreciated. Sewerage works have been executed at Carlisle, at Worksop, at Buxton, at West Ham, and in other places. The works can be inspected by any persons wishing fully to understand the general plan and details, and one day spent in examining these will enable a young engineer to learn more than reading verbal descriptions, however full such may be. There are many other towns out of the 178 which have applied for loans for works, as also Manchester, Birmingham, and other places, where successful sewerage works may be studied.

Engineers from America, and from Prussia, have visited England for the express purpose of studying the town sewers now in use.

The towns on the Rhine have many sanitary defects. Narrow and crowded streets, with tall houses shutting out sunlight and blocking free ventilation; a subsoil undrained, and surfaces tainted with fluid and solid refuse:—the visible effects, a squalid to population. Every city and town on the Rhine may be easily cheaply sewered, and, for the most part, with earthenware pipe

The cost should not exceed one pound sterling per head of the population.

Sewers and drains will purify the subsoil, and will also remove the fluid refuse which at present renders the atmosphere of the confined streets so unpleasant to visitors, and so injurious to the resident inhabitants. The refuse from the sewers may, with advantage, be applied to the vineyards or to grass-lands in the district.

The charge has been brought against the advocates of earthenware pipes, of ignorance, quackery, and jobbery. Instances have been brought forward where earthenware-pipe sewers and drains are said to have been crushed, to have cracked, and otherwise to have failed. Croydon was for a long time pointed to as a place where the adoption of plans "enforced"* by the then General Board of Health had failed. Croydon is at this moment one of the most thriving and healthy towns in England, and yet the earthenware-pipe sewers laid down remain in full activity. There were some failures of sewers to make good, ventilation to introduce, and other improvements to accomplish. A system of town sewers did not spring forth perfect at all points on the passing of the Public Health Act, 1848, but has gradually grown and ripened into something like maturity. With respect to the charge of failure in town sewers on the new plan, it will be found that this is a thing of rare occurrence, and can be accounted for, when it does occur, without vitiating the principles acted on.

In the 37,000 lineal yards of drains, having some five thousand points of inlet, on the house drains in Wigan, the first stoppage has yet to occur; stoppages, and these of a trifling nature, produced generally either by mischief or improper use, have not amounted to 3 per cent. per annum on the numbers of houses drained.

Supposing the sanitary engineer retorts on the railway engineer the charge of failure. How will the balance stand? In the early days of railways, rails and engines were made far too light for work and have had to be replaced several times. Stone blocks were laid at great cost in excavations, which have all had to be removed, embankments have subsided, cuttings have slipped in, culverts have crushed, viaducts and bridges have fallen, station sheds have collapsed. The atmospheric system was commenced at enormous cost and has been abandoned; and so on, through a long and most expensive chapter of mistakes, blunderings, and failures, we have arrived at the present stage of railway engineering. The sanitary engineer must not be expected to work without some failures.

One cause of failure in town sewers springs from false notions of economy entertained by Local Boards. They will not seek and pay for professional advice. Another cause of failure is advertising for plans. The public ought to have learned long since that pro-

* The General Board of Health never possessed the power to enforce any plan, nor even to dictate a plan of sewers.

fessional men of repute and standing, engineers or architects, will not compete—the consequence is, plans are made by young beginners having had little experience and no practice, so that their first works are abortive and costly. Town sewers and house drains must be devised with experienced judgment, and must be executed with full practical knowledge, the result of education. By having sewers and drains laid in straight lines and in true gradients, the resident engineer can test the accuracy of the work by looking through each length of sewer and drain as it is in course of execution—no deviation from absolute truth should ever be passed over knowingly.

The foregoing remarks are imperfect on account of their brevity. A work more fully detailing the principles of town sewerage and house drainage remains to be written.

Report on the Sewers and Sewerage of Birmingham. By WILLIAM SPOONER TILL, *Borough Surveyor.*

AT the meeting of this Association held in Birmingham in 1857, my predecessor in office, the late Mr. J. Pigott Smith, read a paper on the Sewers of Birmingham; in continuation of that paper, and at the request of the local committee of the Association, I present to this meeting the following Report.

The borough of Birmingham embraces an area of 8,420 acres, 176½ miles of streets, and its population at the last census was 295,955; the lowest point in the borough is 288 feet, and the highest 616 feet above the level of the sea. The river Tame, which forms the eastern boundary of the borough and is the natural outlet for its sewage, discharges itself into the river Trent, and this latter into the Humber.

The total length of sewers required for the drainage of the borough is 152 miles; of these, 53 miles had been constructed by the council up to the end of last year, at a cost, including purchase of land, compensation, law, and other charges, of £147,000; 69 miles remained to be constructed at an estimated cost of £75,000, and 30 miles by the owners of property in undeclared streets, at an estimated cost of £35,000, making the total cost for the whole borough £257,000.

The sewers are generally egg-shaped in section, those constructed in brickwork varying from 5 feet 9 inches in height by 4 feet in width, to 1 foot 9 inches in height by 1 foot 3 inches in width, and those in glazed stoneware pipes from 15 inches to 9 inches in diameter, and they are laid at depths varying from 11 feet to 42 feet. Two mains, each 5 feet 9 inches in height, with a sectional area of about 18 feet, traverse the main valleys, and uniting near the outlet, convey thereto (in dry weather) 12,000,000 gallons of sewage daily. For the relief of these mains during heavy rains, storm-water

outlets are provided from their sides or crowns into the adjacent brooks, the total sectional area of such outlets being 203 feet.

Private drainage is at present only partially carried out in the borough, and water-closets are almost wholly confined to the better class of houses; about 470 private drains are laid into the sewers every year, and these vary from 12 inches to 6 inches in diameter. The excrementitious matter is mostly collected in "ash pits," adjacent to the dwellings, and mixed with ashes and other refuse, whence it is removed from time to time by the council. 144,414 tons were removed from these pits last year, and sold to farmers at a cost to the borough of six or seven thousand pounds.

Prior to 1858 the whole of the sewage was discharged direct from the sewers into the river Tame, but not without several complaints having been made by the owners of property on the banks; and in that year the Right Hon. C. B. Adderley, M.P., who has extensive property adjacent to the river, and a seat within seven miles of the borough, applied for and obtained an injunction of the Court of Chancery to restrain us from any longer discharging our sewage therein; and works were then commenced for intercepting the solid and suspended matters. For this purpose two sets of tanks, averaging 330 feet in length by 95 feet in width, and 8 feet in depth, have been constructed, into which the sewage is alternately diverted. The first set of tanks was divided by means of cross walls into three compartments. The sewage entering at one end, and having been brought to a comparative state of rest, was allowed to flow over a wall, on the top of which were placed floating planks; these rising and falling with the volume of sewage, and skimming off the corks and other floating substances; between the inlet and these planks, by far the greater bulk of sewage matter was intercepted; it then passed into the second and third compartments, where further subsidence took place, and, by way of experiment, on either side of the last compartment two descriptions of filtering were tried—on the one side what is known as the downward system being adopted, on the other the upward. The downward was found not to answer, as a thin coating of glutinous matter immediately formed on the top of the filter and choked the same; and the upward system was found to keep back only a small additional amount of solid matter. The filtering media in both instances being sand and gravel, no chemical purification was of course effected. Both modes of filtering have been abandoned, and the system is now one of subsidence only, the effluent water, after passing through the third compartment, flowing laterally over weirs by means of open conduits into the river, except when required for irrigating purposes.

The sewage is allowed to run alternately into each set of tanks for about a fortnight, and the intercepted matter is at present removed therefrom either by barrows to the adjacent land, or laded into tubs and discharged by means of troughs on to the lands near the works for the purpose of drying. To facilitate the dealing with it to greater advantage, a steam engine, with elevators, &c., is now in the

course of erection; 28 acres of additional land have been purchased for the purpose of acquiring access to a good road; and the means of providing canal and railway communication, and the formation of a branch line of canal with sidings, &c., is now under consideration.

The intercepted solid matter has been hitherto either given away to farmers in the vicinity of Birmingham for the fetching, or at a nominal charge of sixpence per ton, as fast as it is in a fit state for removal, and has been applied with success to grass and other crops. The quantity of sewage matter intercepted is upwards of sixty tons per day, but this varies considerably with the state of the weather, as every shower of rain brings down considerable quantities of grit and road material, in consequence of all our carriage-ways being macadamised.

The following is Dr. Voelcker's analysis of the intercepted matter:—

"The deposit No. 3, (mixed deposit, kept for three months,) was being carted on an adjoining meadow at the time of my visit. It may fairly be taken as representing the average quality of the deposit from the three tanks, when in a condition fit to be carted away any distance. I submitted it to a full analysis.

GENERAL COMPOSITION.

"Dried at 212° Fahrenheit, it lost 47·47 of water. The dry residue and burning gave 34·92 of ash. Accordingly, the general composition of No. 3 is—

Water	47·47
Organic matters	17·61
Mineral matters	34·92
	100·00

"Detailed composition of No. 3 deposit: 100 parts contain—

Water	47·47	Sulphuret of copper and zinc, chiefly sulphuret of zinc	·94
Organic matters*	17·61	Chloride of sodium	·05
Sulphuret and oxides of iron and alumnia.	4·02	Siliceous matter (sand)	28·07
Phosphate of lime	1·1		
Sulphate of lime	·22		
Carbonate of lime	·52		100·00
Carbonate of magnesia	·09		

Of the sewage he says—

"The average amount of deposit, per imperial gallon, from Hockley Brook and River Rea main, 18·83 grs. This quantity contains ·36 of nitrogen.

"The clear sewage from both mains, after having been allowed to subside twenty-four hours, was mixed in equal proportions and submitted to careful and complete analyses, which yielded the following results: an imperial gallon contains—

* Containing nitrogen ·41, equal to ammonia ·50.

Organic matter and salts of ammonia* .	9·920	Magnesia.	3·608
Oxides of iron and alumnia	1·252	Potash	2·416
Phosphoric acid . .	·109	Chloride of potassium	·588
Soluble silica . . .	1·040	Chloride of sodium .	15·344
Sulphuric acid . . .	16·240	Carbonic acid . . .	4·636
Lime	10·840		65·993

"A careful inspection of the foregoing results, obtained in the analysis of the clear sewage, will show that by far the largest amount of the most valuable fertilising matters is contained in the sewage in a state of solution. Indeed, only a very insignificant quantity of intrinsically valuable fertilising matter is removed in the subsiding tanks. Since the average amount of deposit per imperial gallon is only 18·83 grs. which quantity contains, in round numbers, only one-third of a grain of nitrogen; the clear sewage, practically speaking, is equally well adapted for irrigation, as the sewage before entering the subsiding tanks."

The liquid sewage direct from the mains, that is, without passing through the subsidence tanks, has been used for several years as an irrigator to about 60 acres of meadow land near the outlet, twice a year; one of the farmers paying 14*s.* per acre per annum for the privilege. The farmers using it get a more abundant supply of grass, and a fortnight earlier than their neighbours; their cattle are enabled to graze it much later, and they get their crops of hay quite as soon, although the present mode of application is open to great improvements. I find the tendency to use the sewage in this latter manner is very much upon the increase, but unfortunately the difficulties in constructing channels of communication through the intervening properties are so great as to render any great extension of it impracticable. These difficulties can be overcome only by powers under an Act of Parliament; and if other boroughs suffer the same inconvenience, it may be worthy of consideration whether the importance of the matter may not justify a general public Act, so as to avoid the cost of each borough incurring the expense of applying for a local Act. I have had the contour levels on either side of the valley of the Tame taken, and find that, by the construction of two main carriers on either side, we could, within 5½ miles of the outlet, irrigate, by gravitation only, 3,500 acres of land well adapted for the purpose; but the land being in small holdings it is impossible to proceed with the necessary works. Could these be carried out, there can be little doubt that the sewage, instead of being a nuisance, would confer great benefits upon agriculturists, relieve the borough of a considerable annual expense, in fact before long be a source of considerable income, and a great additional inducement to the council to proceed more rapidly with other sanitary works.

* Containing nitrogen 2·215, equal to ammonia 2·689.

On the Proper Source of Waters for Domestic Supply. By ROBERT DUNDAS THOMSON, M.D., F.R.S. L. & E., *President of the Metropolitan Association of Medical Officers of Health, Vice-President of the British Meteorological Society, &c.*

As a copious supply of pure water is now universally recognised to be intimately connected with all genuine sanitary improvement, at the request of the secretaries of this Department, a few practical observations are now presented—the result of a somewhat extended attention to the subject.

The sources of waters for domestic supply, as we meet with them in actual use, may be arranged under three heads in the order of their impurity.

1. *Well waters*, or those which are obtained in pits in the earth by drainage from the surrounding strata, are most impure.

2. *Agricultural river waters*, or the waters of rivers which convey the drainage of agricultural districts to the sea, are less impure than well waters.

3. *Pastoral waters*, or the drainage of mountains, hills and pastoral districts, in other words, rain water as soon as it can be conveniently caught in abundance before being contaminated by its contact with the earth, are the purest of all waters.

1. The old prejudice, that rain water becomes purified by remaining in contact with the earth, is one which still lingers among the people at the present day. Hence, undoubtedly, has arisen the idea among many that, for the purposes of drinking, well water is to be preferred to that derived from other sources of supply. Sanitary officers, in their attempts to improve the water afforded to the poor, are continually obstructed by the assertion that well water is wholesome, and that, in the absence of wells, the preservation of water in tanks underground is desirable, in order to purify the water. It will be somewhat difficult to eradicate this mistake until a more general knowledge is disseminated of the primary derivation of water from the clouds, and of the nature of the impurities with which it is likely to be contaminated when it is precipitated on the earth. Although the fact had been pointed out by Marggraf, of Berlin, in 1751, and Heberden, in 1767, that town wells contain matters in solution which are absent from country wells, no proper deduction appears to have been made respecting the source of these impurities, or as to their exceptionable character for domestic use, before 1847.* For some time previous to this period, the writer of this paper had been engaged extensively in the examination of shallow well and other waters, for the supply of towns, and he found that town wells not only contained sewage matter, but varied very generally

* See report presented to the magistrates of Glasgow, on the wells of that city, in 1848, reprinted in Dr. Sutherland's *Journal of Public Health*.

in their composition from day to day. Hence he inferred that the sources of this water supply were uncertain, and that the water was noxiously impregnated. For although the nitric acid and ammonia, which are often abundant and never absent from town wells, cannot, in themselves, be pronounced unwholesome, their presence affords evidence of the connexion of the well with the most disgusting impurities, which, as experience demonstrates, are liable to be poured in, under certain circumstances, in comparatively large quantities, so as to be even distinguishable by the eye and organs of smell. When the opinion here alluded to was first broached, it met with much opposition from cultivators of abstract science, and from those who had not devoted their attention to public health. But there were some who coincided in the writer's deductions, and among these especially Dr. William Farr, who, for more than a quarter of a century, has received every physical fact bearing on the health of the people with immediate and due appreciation, and who is justly entitled to the merit of having essentially contributed to establish sanitary knowledge upon a scientific basis in this country.

The subsequent history of the public health in relation to water has substantiated the accuracy of the view, that city well water is often most dangerous to health and life, and the same observation applies to river and other waters which are contaminated with animal *débris*. It is sufficient, perhaps, to remark, that epidemics have particularly prevailed in a fatal manner in those towns where impure well water and other waters were extensively employed by the inhabitants, as in certain parts of London, Liverpool, and Glasgow. The fatal results depending on this and collateral unhealthy conditions were especially remarkable in the invasion of the several epidemics of cholera, which caused the public mind again to revert to the unwholesome character of well waters and waters contaminated by sewage. In addition to the constant liability to mixture with sewage to which the well waters of towns are exposed, there is added another source of impurity, viz., the impregnation from the vapours and impurities disseminated by gas which escapes from the gas-pipes and saturates the earth under the pavement of our streets. In the recent Gas Act much attention has been bestowed upon the relative position in the streets of the gas and water mains. Water mains, being usually full of water, are not likely to be impregnated by diffusion with gas. It is the supply pipes to the houses which are subject to contamination from gas, because, being usually partially filled with air, Priestley's law of diffusion will operate between the internal air of the supply pipe and the gas which has escaped into the earth from the gas-pipes. It is curious that the Gas Act is totally silent on this all-important point. Examples of this kind of pollution are continually presenting themselves to the health officers of the metropolis. Usually the well water, when pumped to the surface of the street, appears clear, because the mechanical impurities subside during the night when the waters are left undisturbed; but abundance of evidence can often be obtained,

by chemical analysis, of the filth which has access to the water. Some time since a well was reported to the writer to be in a most exceptionable state, and the local authority gave instructions to have it examined. On opening the well it was found to derive its chief supply of water from the gulley drain of the street, which discharged its disgusting contents—the surface drainage of the street—down the side of the brickwork into a shallow stratum of water at the bottom of the well, and that this condition of matters had long existed was obvious from the ancient character of the current marks on the bricks. The local authority caused the well to be filled up. Notwithstanding the transparent facts of the case, which were obvious to the eye, many of those who were in the habit of using the water —principally in summer, on account of its coolness—were dissatisfied with the sanitary precaution. And such prejudices must prevail, even among intelligent persons, until a knowledge of the principles of the science of health is more widely spread.

This caution is given because the opposition to the improvement of the health of the people is often characterised by such total ignorance of physical science that it is felt to be almost a crime by those who understand the subject. Patience, perseverance, and the frequent utterance of the truth, are the best antidotes against those who have the power to do mischief.

There is another danger in the use of well waters, when they are brought in contact with lead, which seems to have been underrated, since the greater proportion of the cases in which water has been found to contain lead, in the writer's experience, has been in well waters. In one case which occurred within the last few weeks, the water was sent to him from the country in consequence of a peculiarity in its taste and appearance which had been observed for nearly two years. The family had suffered in health. On analysing the water, abundance of lead was found, principally disseminated through it, but a small portion existed in solution. On examining the kettle and cistern they were found to possess an incrustation and deposit composed essentially of oxide of lead. The water had been pumped from a well through a lead pipe into a leaden cistern, and had thus become contaminated with the poison. The constitution of the water was as follows in grains per imperial gallon:—

Organic Matter	4·00
Carbonate of Lime	7·00
Chloride of Sodium	12·73
Sulphate of Soda	1·85
Sulphate of Lime	5·88
	30·46

No sewage could be detected.

Various attempts have been made to explain the causes of the action of water on lead, and likewise to point out what have been termed the protecting salts in water. But sufficient attention has

scarcely been given to the varying composition of waters according to the demand made upon them, and to the influence produced upon their constituents by the weather. Thus Thames water acts appreciably at some times on a clean surface of lead, while at other periods the effect is not so palpable. Well waters in towns vary very considerably in regard to the amount of solid matters in solution according to the moisture of the atmosphere. In the instance of the well whose composition has been quoted, the remedy for the evil was to provide a zinc or slate cistern, and to replace lead by iron pipes. It is impossible too strongly to condemn the use of lead pipes and cisterns. They should never be used for conducting and retaining water for drinking and culinary purposes. It is difficult to understand the origin of the employment of a poisonous metal for domestic use. But its disuse must depend upon the substitution of the builder or iron-pipe fitter for the plumber, who has too long monopolized the manufacture of this noxious form of cistern.

TABLE OF WELL WATERS.

Total Impurity in Degrees or Grains per Gallon.

	°		°
Distilled Water	0·0		
Camberwell	142·16		
Putney	180·4		
Liverpool	13·8	to	417·02
Glasgow	14·9	to	99·5
Newcastle	100·56		
Wisbeach	481·76		
Marylebone	42·64	to	147·6
Southwark	89·7		
Charlton	219·52		
Wandsworth	187·97		
Belgravia	125·84		
Eltham	103·20		

There is no doubt that those towns which have the advantage of a constant supply of water, and which can thus dispense in a great measure with the use of cisterns, are placed in favourable circumstances for escaping the action of cistern poisons and filth. Such a provision should be required in the metropolis.

2. The next least impure waters which are employed for domestic supply are what have been termed, at the beginning of this paper, agricultural river waters, and are represented by the principal rivers of this country. These are objectionable on the grounds that they are used as sewers for the districts through which they pass, and that they become very impure during rainy weather, in consequence of the land being washed by the rain, so as to carry down into the rivers, in solution, much saline and organic matter of a noxious character. The following table of the total impurity in the metropolitan waters for four years exhibits the fluctuating character of their composition. The rainfall is appended in order to show how

much the impurity is dependent on the quantity of rain which falls during the season.

METROPOLITAN WATERS.

TOTAL IMPURITY IN GRAINS OR DEGREES PER GALLON.

	1858.	1859.	1860.	1861.	Mean.
West Middlesex	17·59	18·16	20·12	18·81	18·67
Grand Junction	18·01	18·62	20·30	18·92	18·96
Southwark	18·30	17·93	20·33	19·27	18·96
Lambeth	18·98	18·04	20·30	18·67	18·99
Chelsea	18·44	17·55	19·75	18·89	18·66
East London	19·33	20·35	22·32	21·48	20·87
Kent	23·83	23·67	23·73	23·60	23·71
New River	18·36	18·33	20·10	18·73	18·88

ORGANIC IMPURITY IN GRAINS OR DEGREES PER GALLON.

	1858.	1859.	1860.	1861.	Mean.
New River	1·27	1·33	1·53	·96	1·28
Grand Junction	1·39	1·41	1·61	1·09	1·37
West Middlesex	1·27	1·41	1·67	1·30	1·41
East London	1·35	1·54	1·95	1·19	1·51
Lambeth	1·61	1·41	1·77	1·51	1·57
Chelsea	1·56	1·39	1·81	1·44	1·55
Southwark	1.65	1·47	1·75	1·39	1·56
Kent	2·69	2·26	1·87	1·73	2·14
Rainfall in inches	17·21	30·82	33·99	21·33	25·84

As these tables, however, only give the average composition during the year, they afford no criterion of the range of impurity. Thus these waters have sometimes an impurity of 23 degrees or grains per gallon, down to 14·76, or a range of 8·36 degrees or grains.

3. It is gratifying to know that agricultural river waters are beginning to be disused throughout the country, and that they are giving place to pastoral waters, which are entirely free from the pollution of sewage and agricultural impurities. They are well illustrated by the waters of the English, Welsh, and Scottish lakes, which appear to possess always the same composition, and also by the mountain rivers, which, contrary to the condition of agricultural rivers, become more free from impurity in proportion to the amount of rainfall.

TABLE OF PASTORAL WATERS.

	Total Impurity in grs. or degrees.	Organic Impurity in grs. or degrees.
Distilled Water	0·0	0·0
Loch Katrine	2·35	0·605
Bala Lake	2·08	1·280
Tributaries of the Severn	2·60	0·720
Manchester	3·27	0·650

It is becoming essential, from the increasing population on the banks

of rivers, that the supplies of cities should be derived entirely from pastoral waters, which are not only free from animal *débris*, but are delivered in cities by the force of gravity, and thus save a large expenditure for pumping.

HOSPITALS.*

What are the Proper Situations for our Metropolitan Hospitals? *By* James Turle, M.D.

INDEPENDENTLY of all feeling of humanity, it is of the greatest importance to a community in an economical point of view to restore its sick, and especially its poor sick, to health as rapidly as possible, the importance of this being evidently second only to the prevention of disease. What, then, are the means at present employed in London and our other large towns for effecting this undeniably important object? The poor receive gratuitous medical treatment at workhouse infirmaries, dispensaries, and hospitals. The infirmaries attached to workhouses are chiefly intended and used for the reception of sick paupers; that is, for those sick persons who, from old age or other causes, would be incapable of supporting themselves when restored to a state of comparative health, and therefore persons whose speedy recovery is of less consequence to society than that of the individual who, when well, is the support not only of himself but of others. It is for these chiefly that private charity provides our dispensaries and hospitals. At the former they can procure the necessary medicines and advice without ceasing to reside at their own homes, or even quite suspending their occupations, whilst in the latter another object is combined with that aimed at by the dispensary, namely, the provision of a temporary home for those who are too ill to travel to and from their own dwellings. Even at the hospitals, however, there are six out-patients to each in-patient; and when we consider that without this out-door relief, the greater number of those availing themselves of it would be eventually reduced to the condition of those requiring treatment as in-patients, we may well look upon this part of the working of an hospital as the more important of the two. I am far, therefore, from wishing to curtail their benefits in this way, neither would I interfere with the equally valuable services performed by our numerous dispensaries, nor do I intend now to deal with our workhouse infirmaries; but our present mode of treating such of our sick workmen and workwomen as are forced to seek a refuge within the walls of an hospital is one of the greatest, if not the greatest blot in our sanitary system.

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* See Miss Nightingale's Papers on Hospitals: *Transactions*, 1858, pp. 462, 473; 1861, p. 554. See also "On Hospitals and Convalescents," by J. W. Adshead, *Transactions*, 1860, p. 726; also "Sanitaria for the Sick Poor of Glasgow," by G. H. B. Macleod, M.D., *Transactions*, 1861, p. 683.

People suffering from diseases, nine-tenths of which have for their predisposing cause the foul atmosphere they have for years nightly and daily been breathing, these people we crowd together, story above story, in buildings placed in the very worst parts of the stagnant putrid atmosphere from the respiration of which they are already suffering,—buildings carefully blocked in by others on all sides but one, and that generally the only side towards which the wards have no windows. In immediate contiguity with one which would otherwise have incurred the risk of too pure air from the neighbouring park, is a mews, constantly containing a hundred horses; another is surrounded on all sides by the poisonous fumes of the thousand and one manufactures going on around Whitechapel; whilst the city authorities are about bringing into the only open space within its precincts, and immediately under the walls of one of our largest hospitals, the healthful concomitant of a dead-meat market. In another, the patients breathe liberally the miasmata of the neighbouring Isle of Dogs; whilst all are surrounded by the busy, noisy traffic of our paved streets.

Notwithstanding all our vaunted sanitary improvement, notwithstanding our real advance in surgical science, our hospital patients are in less advantageous circumstances now than they were in the times of Cheselden and Pott, or their great operations would have been as frequently followed by pyæmia and hospital gangrene as is the case now. Epidemics of these fearfully fatal diseases every now and then break out, attacking every open wound in the ward, whilst erysipelas is scarcely ever absent. Persons suffering from the slightest wound are as liable to be thus sacrificed as those on whom capital operations have been performed. One woman whom I sent this spring to one of our best hospitals, for the performance of a comparatively slight operation, was attacked, first by hospital gangrene, afterwards by erysipelas. From each her life was in imminent danger, while from the first disease it was for some days despaired of. Under favourable circumstances, that is, with pure air, the wound left by the surgeon's knife should have healed in a few days; yet, though in perfect general health previously, she was kept hovering between life and death for eight weeks, and eventually left the building a wreck of her former self, from the supervention of diseases which she would certainly never have had if she had not entered an hospital. Every hospital surgeon can bear testimony to the frequent occurrence of such cases as this, and knows that it must be so, so long as cases of operation and accidental wounds are treated in atmospheres loaded with effluvia from living organisms, such as is that of our densely populated towns,—and yet no effort is made to alter the system. An epidemic of hospital gangrene has been making great ravages in the University College, London, and several others of our Metropolitan hospitals, during the past spring, and it is chiefly, if not entirely, to the greater virulence of similar "hospital diseases," that the greater mortality in the Paris hospitals is due. The greater number of the deaths after operations (which, in the case of amputation of the thigh for instance, are, in

Paris more than 50 per cent.) are the result of the supervention of erysipelas, phlebitis, or pyæmia, all modifications of hospital poison; and the difference between the Paris hospitals and those of London is one of degree only, namely, a proportionately greater amount of over-crowding, bad ventilation, and want of cleanliness within the hospitals, and a greater amount of the very same elements of disease in the city which surrounds them. Mr. Holmes Coote, one of our latest writers on the subject, thus speaks of hospital gangrene: "The local treatment will frequently prove unavailing, so long as the patient remains exposed to the same influences. He should be removed from the ward and put into another building, and when this is impossible, the ventilation should be as free as possible, the windows being left open day and night, while disinfectants should be liberally spread about; and finally, the surgeon should feel that it were better for the sick to be unsheltered in the open plain than in the crowded walls of an hospital so affected." Why, then, should we expose our maimed artisans to these fearful diseases? Why should we continue to render futile the best directed skill of our best operating surgeons, when a remedy is within our reach?

But it is not in surgical cases alone that pure air is so important an item in the treatment; with good ventilation within the buildings, and a perfectly pure atmosphere without, the greater number of our London sick need little more than ordinary comforts to be restored to health; with bad, fetid, stagnant air around them, no known medicine, no physician, however skilful, can save an hospital from being a place of destruction, instead of, what its name originally implied, a place of refuge. Pure air then being the grand desideratum, where are we to look for it? Certainly not within six miles of London Bridge. This distance forty years ago would have been an important consideration, when the transport of a patient suffering from acute rheumatism, or a recently-set fractured thigh-bone, was to be undertaken; but in these days of railway locomotion, double the distance need not cause inconvenience.

If the question of purity of air alone were the only plea for treating our London sick out of London, it would be sufficient to outweigh every reason I know of for retaining our present hospital buildings, but it is far from the only reason. Hear what Dr. Edward Smith says, in his recent work on the Remediable Stages of Consumption: "The patients are restricted to their rooms or to long uninteresting corridors which have walls and high windows, or if allowed to go outside, may saunter about paved yards or gravel walks, wet or dry, exposed to the gaze of passers-by. The space for out-door exercise is very limited, and, from the nature of things, the exercise must be of such ordinary kinds as not to attract the attention of others." He further remarks, (though himself one of the physicians of the Brompton Hospital,) "We affirm therefore unhesitatingly that, in the ordinary conditions met with in the early stage of phthisis, the arrangements of our hospitals are unsuited to the treatment of the case provided the patient have a tolerable home in the country, with fresh air, green fields, and plain simple nutriment."

Our hospitals then should be, in the first place, at a distance from town. Secondly, they should be in immediate contiguity to each of the principal lines of railway. Thirdly, they should be on a height. And this is an additional reason against their being built anywhere within the valley on either side of the Thames. Most of our zymotic diseases are fatal in proportion to the height of the neighbourhood they attack. Nothing can show this more than the tables published in the *Times* during the epidemic of cholera in 1854. The deaths in September and October were, at Hampstead, 350 feet above high-water mark, but fourteen out of a population of 11,986; while at Battersea, which is only 3 feet above the water level, there were 171 deaths, out of a population of only 10,560. All the twenty-seven districts show the same relation in various degrees.

Supposing then our South London hospitals pleasantly located on the southern slopes of the Surrey hills, those for the east of London the other side of Woodford, those for the north beyond Hampstead and Hornsey, for the west about Harrow or Hanwell; supposing our medical colleges for the residence of students at the distance of a mile or so from the long row or rows of one-storied buildings constituting the hospitals; supposing these surrounded by pleasant flower gardens, by kitchen gardens, by agricultural fields, and, above all, by large pastures in which such a number of cows graze as shall give our patients an unsparing supply of milk, that most necessary of all articles of hospital diet, which it is to be feared they seldom get now in a genuine form; supposing all this to have been prepared for our sick London poor, how are we to get them there, and what are we to do for the immediate relief of such urgent cases of sudden illness and accident as are constantly requiring the prompt attention of the resident medical officers and house-surgeons of our present system? As for their transport, the hospital being, as was presupposed, within a short distance, say a mile, of a railway-station, we have only to place the sick man in a litter-bed in London, to have this made so that the sides will rest on the opposite seats of an ordinary railway carriage, to have a covered waggon, constructed so as to hold several such beds in a similar manner, awaiting the train at the hospital station, and we shall get him comfortably asleep in the pure country air in very little more time than it now takes to carry the sick from their homes or scene of accident to the town hospital. But even this additional time might be enough to make all the difference between life and death in urgent cases of illness? Even this additional carriage of an injured limb might, by jolting a splintered bone through the covering skin, make all the difference between a simple and a compound fracture? True! it is for these emergencies we have now to provide.

Adjoining the chief stations of all the great lines of railway should be commodious buildings called hospital dispensaries. These should be perfectly adapted to answer all the purposes of the out-patients' department of our present hospitals. The most skilful physicians and surgeons should attend daily for the treatment of out-patients

and for the inspection of such as apply with the ordinary subscriber's ticket for admission into the corresponding hospital. Those thought sufficiently severe cases would be conveyed by a regular daily train, in a carriage or compartment set apart for that purpose. In addition to the visiting staff of the dispensary, there should be two medical officers, also of established skill, constantly residing in the building. Their most important duties would be the immediate treatment of what are called emergency cases—one being the resident physician, the other the resident surgeon. To allow of thoroughly competent men accepting these posts, they must not be debarred from prescribing for private patients visiting them, which need not interfere with the duties mentioned. You would thus get men of some position, who would be far better qualified to treat a sudden attack of illness or acute poisoning, to take up a divided artery, set a fracture, reduce a dislocation, or restore suspended animation, than the greater number of the young men on whom the immediate treatment of these cases at present devolves.

Such is a necessarily brief outline of one way in which the system might be worked. What is there impracticable in the scheme? The distance would, no doubt, be urged as a reason for preventing the attendance of first-class visiting physicians and surgeons; but few of their own number would make this an objection. Many of our leading practitioners are in the habit of frequently making short journeys from town to their own country residences, as well as on professional errands, and at none of our hospitals are there more than three regular visits per week paid by each of the visiting medical officers. It is true they are occasionally summoned at irregular times, but this is a comparatively rare occurrence and generally only to fresh cases, such as they might still be called to at the hospital dispensary. Those who are most solicitous about the welfare of their hospital patients are apt to visit them at other than the set times, but these would do so still when a particular case seemed to require it. Though it might cost them an extra half-hour, these men would be the last to grudge it, for none would know better than they that the farther they have to travel the easier the work before them.

The most serious objection is undoubtedly the cost; of the original outlay I mean, for after that the current expenses of conveyance, &c., would be considerably counterbalanced by the saving in the cost of living and the proceeds of the cultivation of the land; the cost of erecting both hospital and dispensary would be, in most cases, defrayed by the sale of the original building and site; and the funds of our richly endowed metropolitan institutions would be little diminished by the purchase of any available estate. But if the amount required to properly carry out the migration should, in the case of some of the smaller hospitals, fall short of the funds in hand,—if Government still declined aiding public charity even in a work so important to the community as this,—if a greater strain had to be made on the purse-strings of the subscribers, would it be a

greater strain than they would bear? When we consider how nobly the British public supports its charities, there need be no fear of this, providing it be once convinced of how great a boon it would be to our sick poor.

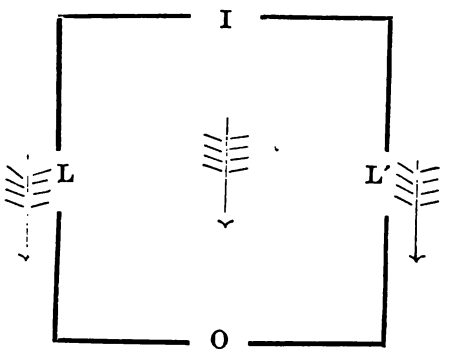
Observations on the Natural Movement of the Air in Buildings similar to Hospitals, and on the Application of Artificial Means of Ventilation; founded on an Experimental Inquiry into the Ventilation of St. Mary's Hospital, Paddington. By J. B. Sanderson, M.D.

In the following paper I propose to omit entirely the discussion of those general principles relating to the movement of gaseous fluids through orifices and channels of various forms and dimensions, which constitute the scientific basis of ventilation. Taking these for granted, I shall confine myself strictly to the results which may be derived from the application of an exact method of inquiry into the state of ventilation of any building, in so far as they afford solutions of the many practical difficulties which are met with in the selection of expedients.

In order to ascertain the state of ventilation of a building, (that is, to measure the quantities of air introduced and expelled in a given time, or, in other words, the exchange of air,) two elements require to be determined in every case. It is necessary, first, to measure the force primarily exerted in generating movement; and secondly, to estimate how much of that force is constantly lost or expended, in resistance arising from the channels or airways through which the current of air passes.

In a building in which no mechanical appliance for the purpose is adopted, the generation of movement is entirely dependent on two agents, viz., the horizontal movement of the air outside, and the movement of the air in chimneys. In order to exhibit and illustrate the influence of each of these agents, under the most simple conditions, I propose to consider each in succession in buildings of the simple forms shown in figs. 1 and 2. Let it be supposed that the building consists of a single quadrangular chamber, and is furnished with four openings, one in each of its sides; and that the direction of the wind is parallel to two of its sides and at right angles to the others.

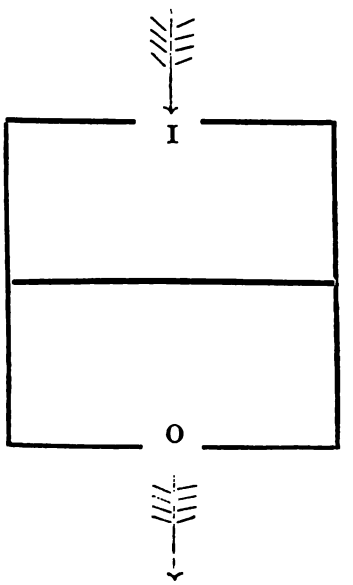
Fig. 1.



In such a building, if all the apertures I, O, L, L′, be open, t is obvious that a quantity of air will enter and pass out which is nearly equal to the area of the exposed opening I, multiplied by the velocity of the wind. No air will either enter or escape by L and L′. When I is open and O closed, air enters the building with about half the velocity, and consequently in half the quantity, it did before. Again, when I is closed and O open, the quantity of ventilation is the same. Air enters by L, L′ and passes out by O at the same rate as in the last case it entered by I and passed out by L, L′. That is to say, the extracting or aspirating power exercised by the wind at the aperture on the lee side, is equal to the power of injection or inspiration which it exercises at the aperture on the exposed side.

In the three preceding cases, it is supposed that the apertures of exit are of such form, measurement, and construction as to offer no resistance whatever to the passage of the air. If, the other conditions remaining the same, the aperture O is smaller than the aperture I, then, in proportion to the diminution of O, the quantity of air entering at I is diminished. The resistance opposed by the contraction of O may be measured by a barometer placed in the interior of the building, as compared with a second freely exposed. The barometrical reading in the interior will fall below that of the atmosphere, in proportion to the velocity of the wind and the degree of resistance. Similarly, if the area of the aperture O is increased, the quantity of air entering by I is increased in corresponding ratio; and this increase is attended by a diminution of pressure of the internal air, a depression of the reading of a barometer in the interior of the building.

FIG. 2.



If an hospital be so constructed that each of its wards is freely exposed to the atmosphere, and provided with openings on both sides, then the influence of the wind upon it is completely illustrated by the preceding example. But, in order to meet the case of the buildings of which each floor consists of two or more apartments or wards, on the same level, only communicating by doors or passages, it is necessary to add to my hypothesis.

Let the building remain otherwise the same, but let it be divided into two parts by a vertical partition, having in it a single aperture of communication, and let the openings L L′ be suppressed. Then,

so long as the aperture remains of such size as to offer no appreciable obstruction to the passage of air, the quantity of ventilation is undiminished; if the aperture be contracted, then a corresponding proportion of the velocity of the current is lost in resistance; and if two barometers be placed, one in front, the other behind the partition, neither will indicate the pressure of the atmosphere. The former will read higher, the latter lower, than an instrument freely exposed. The depression of the one will indicate the resistance afforded to the aspirating power of the wind; the elevation of the other, the resistance to its injecting or pulsion power.

If the aperture be entirely closed, it is clear that no ventilation will take place. Then the depression and elevation shown by the two barometers will indicate the whole resistance required to overcome the power of the wind.* The depression of the one will of course be exactly equal to the elevation of the other.

From what has been said, it appears, as regards the influence of the wind in producing ventilation of a building, that such resistances as arise in the transmission of air through it admit of being investigated by the determination of the diminution or increase of barometric pressure which they occasion at different parts of the airway, and that, if the original quantity of movement be known, the loss of movement by resistance, and the remainder (of actual or effective movement) may be easily ascertained.

The same considerations apply in every particular to the investigation of the effect of any other generator of movement, whether it be a mechanical means, such as a fan or blowing machine, a pump or a ventilating shaft, or chimney. That is, if the effect of a shaft under any given conditions of barometric pressure inside and outside be known, the loss of movement by resistance can in like manner be determined.

At St. Mary's Hospital an artificial method or system of ventilation is employed, in which the supposed source of movement is a ventilating shaft, of which the area is 16 square feet, and the height 40 feet. This shaft communicates with the wards by channels of zinc work. Tracing these channels in the direction of the intended flow of air, they may be described as commencing with small apertures in the walls or ceilings of the wards. Those in the walls are arranged at a height of about 10 feet from the floor. Their number is in proportion to the number of the patients, so that there are about half as many apertures as beds. The channels leading from these apertures are combined into larger air-flues, and these into others which open directly into the shaft. The shaft is maintained at the requisite

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* If the quantity of air entering the building by I, when all apertures are freely open, be indicated by V, the quantity entering when the aperture is contracted, by V', the depression of the barometer when the aperture is entirely closed by p, and its depression when contracted, (corresponding to V',) by p', then

$$\frac{V}{V'}=\sqrt{\frac{p}{p-p'}} \text{ or } V'=V\sqrt{\frac{p-p'}{p}}$$

temperature by a furnace at its base, so placed that the aspired air does not pass through the grate, but enters at a level immediately above it. In order to determine the efficiency of the system, I first ascertained the velocities of movement in the shaft by actual measurement under different conditions of temperature. When the temperature outside was 48° F. the velocity of movement was 5 feet per second. This velocity, when multiplied by the area, gives a removal of air equal to 4,800 cub. ft. per minute, or 3·20 cub. ft. per minute per patient. I next determined the actual effect produced, by observations at the inlet of the channels. It was then found, that on most occasions, the effect was nil—that no continuous current existed, the air at the inlets sometimes being quiescent, sometimes moving in the direction intended, sometimes in the opposite, so that although a considerable and continuous change of air took place in the shaft, no change whatever was effected in the wards, and the arrangement entirely failed in the accomplishment of its object. As this is a state of things which exists, not only at St. Mary's Hospital, but in many others in which special expedients or systems of ventilation are in use, and may often be attributable to a similar cause, I have thought it worth while to bring before the Department the results I have arrived at in respect to it.

It has been stated that air ascends the shaft under ordinary conditions at a velocity of 5 feet per second, or thereabouts, but no appreciable movement is produced in the channels which are connected with it. The immediate cause of the non-transmission of movement lies in the fact, that a double current is established, of which the descending branch occupies the peripheral portion of the shaft, while the ascending branch occupies the centre. This state of things is the necessary consequence of the resistance offered to the passage of air by the too great contraction of the channels, at their inlets and elsewhere, by their frequent branching and changes of direction, and by friction. The absolute quantity of resistance thus generated is extremely inconsiderable. I have ascertained, by repeated experiments, that even in winter it does not exceed a charge of 5·7 grains on the square inch, or a pressure of one-fortieth of an inch of water. Yet a resistance so trifling as is expressed by these numbers is sufficient to destroy the effect of the shaft and to render it useless as a ventilating agent.

In hospitals ventilated in a similar manner to that employed at St. Mary's, that is by the aspirating power of a shaft, it may be pretty confidently asserted that the resistance afforded to the traction of air by the ventilating channels is the main and most frequent cause of failure. My experiments show that causes which are likely to be operative in every building, unless specially guarded against, causes which have been hitherto regarded as wholly insignificant, are sufficient not only to diminish the flow of air, but entirely to arrest it. Thus, in some hospitals, wire gauze is placed across the inlets to the air-channels, for the supposed purpose of diminishing or moderating the draught; the employment of such an expedient is alone sufficient to annihilate

the ventilation of the building. Another, and more frequent cause of arrest of movement, is the absence of adequate channels or openings for the ingress of air into the wards. If I go into a ward ventilated by aspiration, in winter, I find all the windows and doors shut, and a large fire burning, and on applying instruments, I find that the barometric pressure in the wards is actually considerably lower than in the shaft; so that instead of air passing out by the outlets, it in fact flows in the opposite direction.

The system of ventilation employed at St. Mary's Hospital has been generally regarded as successful. The fact that it is inoperative, shows how important it is that in matters of ventilation guess-work should be superseded by measurement, and the success of every expedient judged of by exact instrumental observation of the result. The matter of air-supply should be regarded in the same light as that of water-supply and gas-supply, and the main condition of every contract for ventilation should be, the introduction into each ward or room of a given quantity of air per hour, such quantity being measured by instruments of which the indications are constantly open to the supervision of those concerned in the management of the institution.

In the preceding remarks my object has been to illustrate, by the force of an actual example, the present position of the subject of ventilation. It has often been observed, that as soon as a social requirement is felt it is at once supplied by science; that as soon as a want is acknowledged, scientific men are ready to come forward with expedients. Very true—but in this matter we have not yet arrived at this stage; the want has not yet been felt, the necessity not yet admitted, and consequently, people are still content with mere theories—such, for example, as that foul air has a particular tendency to ascend to the ceiling, or that in general, air will pass more rapidly through wire gauze than through a free opening of the same width. The very existence of these theories shows that the art of ventilation has not yet entered within the control of knowledge, for they are opposed to the most elementary principles of physics.

A well-known statistical fact forcibly illustrates what has preceded. I allude to the immense difference between the sanitary condition of miners of coal, and those of lead and copper, the main and fundamental reason of which difference is, that coal mines are perfectly ventilated, whereas the others are much less so. It is not difficult to discover how this happens. In coal mines, ventilation is a necessity, in consequence of their liability to explosive gases, for it is not merely *health*, but *life* and *property* that are endangered. And hence it arises that collieries are almost the only places in which ventilation exists as an art founded on a scientific basis. It is there only that the rule of thumb has been entirely discarded. Where it is a question merely of health, as in the ventilation of a hospital, guessing is thought to be sufficient; but where interests which appear more important, only because they are better understood, are at stake, the aid of science is at once called in; so that it is not from mistrust

of science that the art of airing inhabited buildings is left in the hands of quacks, but from the absence of any general conviction of the importance of the good to be attained, or of the evil to be avoided.

Hospital Dietetics. By JOHN CHARLES STEELE, M.D., *Superintendent of Guy's Hospital.*

I WISH to submit for the consideration of the Association the dietary of the sick, with especial reference to its nature and manner of administration in the hospitals of the Metropolis. Those who have watched the progress of medical therapeutics during the last decade, or who have been in any way associated with hospital management during that period, cannot fail to have noticed, that a remarkable change has taken place in connexion with medical treatment, manifested by the adoption of a more nourishing and stimulating regimen than was formerly employed, and necessarily attended with an increase in those items of expenditure which relate especially to the maintenance of the sick in hospitals. It may be partly due to this cause, that the governing bodies of the various hospitals in the Metropolis, in their attempts to extend indoor medical relief, have been unable to keep pace with the growing requirements of the population, and that, in consequence, an impulse has been given to the extension and further development of the out-patient department in each hospital, the benefits of which are limited solely to the administration of medical advice and the supply of drugs. How far the changes I have referred to are due to the adoption of more enlightened views of medical science, or to what extent they are attributable to revolutions in the type of disease, it is not my object, nor would it at all serve the purposes of this Association to investigate. It is sufficient for us fully to realize the fact, that a well-regulated, wholesome, and more or less stimulating dietary, is now being universally recognised as the chief instrument in the hands of the medical man to enable him to cope successfully with curable, or to palliate the effects of hopeless disease, and it becomes our duty to inquire in what manner we can best contribute to further that important object. In discussing the question, or indeed in obtaining any information on this and kindred subjects connected with the conduct of our numerous charities, we meet with no little difficulty at the outset from the decentralized character of their several constitutions, representing, as these do, the advantages and defects of independent action. In such vital matters, for instance, as registration of disease, internal construction, means of ventilation, and in fact in most of the details of internal management, no two hospitals of the Metropolis present similar arrangements; and with regard to the important subject of diet, a perusal of the various diet tables in use would go far to invalidate the opinions I have

already expressed with reference to the value attached to it, did I not add, that the majority of these systems of diet have undergone much increase and improvement of late years, and that they still continue to occupy much care and attention on the part of the governing committees of the respective charities.

In the daily administration of food to hospital patients, it has been found necessary to have a regulated scale or table, intended, as far as possible, to meet those requirements which, in private life, are perhaps more satisfactorily adjusted by the desire of the patient, the aptitude of the nurse, or by the ingenuity of the medical attendant. This scale, varying in form and details in nearly every hospital, has always for its object a threefold division, representing the maximum, the medium, and minimum amount of nourishment allowed to the inmates, and is familiar to all associated with hospital management by the terms full, middle, and low diets. In addition to these typical provisions, we have likewise in all establishments a variety of other diets in various use, the composition and utility of which may be safely guessed at by the terms half diet, broth, rice, milk, pudding, and fever diets; and supplementary to the whole, there is a class of diet which usually finds little favour in the eyes of executive committees, but is absolutely essential for exceptional cases of disease in all hospitals, known under the names of extra or fancy diets, composed of such dainty articles of food as chicken, oysters, turtle soup, fish, chops, &c., varying in detail with the wishes or caprice of the sufferer, and the liberality of the hospital administration. From this subdivision of aliment, we might fairly assume that ample provision is made in hospital practice to suit all tastes and requirements, and I am far from denying that such is not the rule. We shall find, however, in investigating the subject more closely, that much remains to be accomplished to adapt the scale of food to the ever varying desires of the morbid as well as of the healthy appetite, and of otherwise insuring the exhibition of good and wholesome nourishment. In these and similar inquiries into the necessities of the sick, it is essential that we should have a thorough appreciation of the requirements of the organism in a state of health. As experienced in our own persons, these are not always to be relied on, as the natural disposition inherent in most people, especially in such of us as are engaged in sedentary occupations, to indulge more freely than is necessary in the pleasures of the table, offers a very fallacious standard of guidance. We should much rather refer to the practice in public establishments, in which the inmates are supposed to be in a healthy physical condition, and where it is an object to keep them so as well, and to the dietaries of our soldiers and sailors, notwithstanding the discrepancies which even these exhibit, in spite of the care and attention bestowed on their construction by scientific authorities. In the following table, compiled from the most recent regulations introduced respecting diet in the various establishments enumerated, one may form a fair conception of the daily amount of

nutriment considered necessary for the support of the servants and also for the bad bargains of the State.

Public Establishments.	Bread.	Cooked Meat.	Vegetables.	Meal.	Sugar.	Milk.	Cheese.
	oz.	oz.	oz.	oz.	oz.	oz.	oz.
British Soldier, Home Service	16	8	16	1	1½	3	—
Seaman, Royal Navy	20	12	8	2	2	—	—
Convict, H.M. Dockyard	27	6	19	1½	½	2	2
Male Pauper, St. Olave's Workhouse	14	3	8	2	—	2	—
Male Lunatic, Hanwell Asylum	12	4½	12	—	½	—	2

In addition to the articles specified in the table, there are some fluid accessories, as tea, coffee, and beer, allowed in some establishments, but these additions may be considered exceptional, and the table gives a fair idea of the amount of solid nutriment required by each class specified. It will be noticed that the azotised and respiratory principles of food are here very irregularly distributed as far as the different recipients are concerned, and that while care has been taken to proportion the food to the tear and wear consequent on keeping the body in an athletic condition, so necessary for active exertion in the case of the soldier, sailor, and convict, a provision is also made in the case of the pauper, by which the ratepayer may be relieved from an obnoxious tax on his resources.

Let us now turn to the dietaries of the sick as established in the several London hospitals. The accompanying table presents not only the amount of nourishment in each of the two principal classes notified, but is valuable on account of the relative numbers in each class having been obtained and entered in the first column of the table. Without some index of this kind, it is impossible to arrive at any correct conclusion with reference to the average consumption of food and expense of maintenance of the patients in different hospitals. The numbers on the respective classes of diet have been taken for the 27th February of the present year, and may be assumed to approximate to the practice of the different establishments specified.

HOSPITALS.	Pr. cent. Patient.	Bread.	Cooked Meat.	Potatoes	Butter.	Tea.	Beer.
FULL DIET.		oz.	oz.	oz.	oz.	pt.	pt.
Guy's	38·3	14	6	8	1	—	1
Bartholomew's	67·3	14	8	8	1	2	2
St. Thomas's	36·9	12	4	8	¾	2	1
St. George's	·9	12	6	8	1	2	2
London	42·1	12	6	8	—	—	1
King's College	18·6	12	5	8	—	—	—
Middlesex	—	—	—	—	—	—	—

HOSPITALS.	Pr. cent. Patient.	Bread.	Cooked Meat.	Potatoes	Butter.	Tea.	Beer.
MIDDLE DIET.		oz.	oz.	oz.	oz.	pt.	pt.
Guy's	41·2	12	4	8	1	—	½
Bartholomew's	15·2	12	4	8	¾	2	1
St. Thomas's	37	12	4	—	¾	1	—
St. George's	62·6	12	3	8	1	2	1
London	23·2	12	4	8	—	—	½
King's College	—	10	3	8	—	—	—
Middlesex	48·8	12	4	8	—	—	—

Independent of the full and middle diet allowances, it will be noticed that a large number of diets remain to be accounted for, which we shall discover to be placed under the more ambiguous headings of low, extra, or special diets. Following the order adopted in the table the numbers on special diet are consequently, Guy's 20·9, Bartholomew's 17·2, St. Thomas's 25, St. George's 36·3, the London 34·7, King's College 81, Middlesex 51·2. It thus appears that in those sick charities in which the full diet is of a liberal character, there is not the same necessity for placing the patients on extra articles of food as in others where the reverse practice prevails; and it is of importance to bear in mind, that any departure from the ordinary diet table of the hospital is attended with much inconvenience to domestic arrangements and is questionable policy on the score of economy. Although there is an obvious similarity in the proportionate amounts of the main articles of food allowed for the respective diets, as bread, meat, and vegetables, there are considerable differences existing when we come to examine into the issue of those fluid accessories which occupy a kind of neutral territory between the absolute necessaries and the luxuries of life. Thus we find that such important aids to nourishment and weak digestion as tea, coffee, butter, and beer, are excluded entirely from the diet roll of some hospitals, and if exhibited at all, must be either ordered specially as extra articles of food in addition to the ordinary diet of the hospital, or be supplied through the medium of the patient's friends. These articles, as you will see by referring to the table giving the expenses of maintenance, contribute largely to the expenditure of the hospitals in which their use is sanctioned, and it is not surprising that they should be disallowed in other establishments where great difficulty is experienced in obtaining funds for support. On the other hand, it is to be feared that, by the withdrawal of these aliments from our diet roll, we are neglecting a powerful aid in convalescence, and depriving the sufferer of some article of food or drink which he may have been previously accustomed to indulge in. A disregard of the customary tastes and wishes of the patients will soon make itself felt, either in the introduction into the hospital of a variety of contraband articles of food and drink, or in a more depressed condition of the vital energies of the patients, indicating a want which remains to be satisfied. Every one is aware of the all-powerful influence of habit in matters relating to the appetite, and no medical man would knowingly disregard it. It would be

difficult, for instance, to induce the London artisan to partake of a diet of oatmeal porridge and buttermilk, so much in favour in Scotch and Irish hospitals, nor would his repugnance be less marked if he was doomed to the "soupe maigre" and sour wine that would be inevitably doled out to him if he had the misfortune to become an inmate of a Parisian hospital. Hence the necessity in the construction of our diet tables to adapt the scales to the habits and desires of the people who surround us, notwithstanding an excess of outlay, which in some cases appears scarcely commensurate with the amount of relief afforded. I have here drawn up a table, compiled mostly from private documents, indicating the comparative expenditure in various hospitals of the main articles of consumption, and affording at a glance some prominent features in relation to the practice in vogue in different parts of the country and in France. The figures given are for the year 1861, excepting in the case of the Parisian hospitals, in which reference has been made to the Compte Moral of the Administration of Public Assistance for 1860.

1861.	Number of Patients	Bread.	Meat.	Milk.	Butter.	Malt Liquor.	Wines and Spirits.	Other Comestibles.	Expense each Case.		No. of Days.
		£	£	£	£	£	£	£	s.	d.	
Guy's Hospital...	5,297	1,192	2,671	342	509	880	889	693	27	1	35
Bartholomew's	6,124	1,360	3,909	906	690	611	925	1,270	31	7	36
St. Thomas's	4,394	1,047	2,090	840	458	1007	932	1,113	34	1	39
London Hospital .	4,250	908	1,724	470	—	771	813	549	24	2	29
Glasgow Hospital.	4,441	820	1,540	597	383	97	406	1,237	22	3	30
Dublin Hospitals*	5,934	1,090	1,708	629	52	117	422	1,431	18	4	27
Paris Hospitals...	90,430	14,350	33,478	—	—	—	21,211	28,516	21	7	28

On examining this table the first question which naturally arises is, whether the greater expenditure incurred by the richer hospitals is compensated for by the more satisfactory results attendant on medical treatment? I should be disposed to think that it was, although I confess my inability to prove by statistical data, that the mortality is less in the richer hospitals than in the others. I fear very much that the converse is the rule; but the index of mortality, according to the constitution of our London hospitals, is a very unsafe guide to help us through this difficulty, and I should be disposed to place more confidence in the almost unanimous opinions of hospital medical men with respect to it. The tendency of late years has certainly been to increase in quantity, and to improve in quality the rations allowed to the sick, and medical experience has so far sanctioned the arrangement. It is found also that the removal of the sick or injured from their own homes, even when these are situated in the country, to the wards of a well ventilated hospital, has a wholesome influence on the appetite, a circumstance jointly attributable to the better quality of the food supplied,

* Stevens' and House of Industry Hospitals.

and to the improved physiological condition which a well regulated diet is sure to induce. Returning to the main articles of consumption enumerated in the table of expenditure, I will now refer in detail to the best means of satisfying the voracious requirements of the numbers collectively; and first let me direct your attention to the article of bread. The usual way in which this important element of food is supplied to hospitals is by contract, and from the facility with which any attempt at adulteration, or departure from the original contract, may be detected, as well as from its greater economy, it is doubtless best adapted for the scanty revenues of subscription hospitals. In the larger institutions, such as lunatic asylums and metropolitan workhouses, where pauper labour can be utilised, preference is given to the arrangement by which bread is made on the premises from flour either obtained by contract or bought by the authorities at the ordinary market price. Great facilities have lately been given to the preparation of bread in pauper establishments, where it is usually difficult to obtain skilled labour, by the employment of Stevens' dough-kneading machine, which simply requires manual effort to work, and is attended with a concession to cleanliness that it is impossible to ensure by the ordinary hand process of kneading. In Guy's Hospital the bread issued to the patients and servants continues to be made on the premises by the ordinary hand process by one man, as it is found on inquiry, that such a machine as I have alluded to, for the supply of 600 persons, would necessitate the employment of a couple of servants, and is consequently objectionable on the score of expense. On comparing our arrangement with the contract system of supply in the kindred hospital of St. Bartholomew, I find that the latter has the advantage in the matter of economy, inasmuch as, during the last year at least, it has been furnished with a quartern loaf at one halfpenny cheaper than it has been *possible* to make it with the fluctuating prices to which flour has been subject during the period in question. These fluctuations in the market render food contracts very hazardous enterprises to those undertaking them, so much so indeed that the trade is limited to a class of tradesmen who make it a special business and study. I ought to state, that the quality of the flour used for bread is usually the same in all hospitals; it consists of the mixed or second quality, and although bread made of a coarser description of flour would prove equally serviceable, it would be difficult to convince the poor of the fact, as they invariably prefer a white loaf to a brown one, no matter what their constituent elements may be. Among the benefits accruing from home baking, I would particularly allude to the facility by which arrangements may be made to suit the various scales of diet, separate loaves being prepared, weighing respectively ten, twelve, or fourteen ounces, according to the regulated daily allowance, as well as to the security which we possess of the bread being always of good quality. Before passing to the consideration of butcher's meat, the next item in the diet scale, I would say a word in favour of butter being admitted as an element in

every diet table. To an invalid courting an appetite there a. ı few morsels less tempting than a piece of dry bread, and among females and children especially its use is almost indispensable. On this account it finds a place in the diet tables of the larger hospitals, while in the smaller its employment, although not strictly prohibited, is much restricted, by being left to the liberality of the friends of the patients, who are tempted in numerous instances to purchase those inferior qualities of the article which are largely offered for sale to the poor of London. Good salt butter, obtained from the Continent and sold under the names of Dutch and Jersey butters, may be had by contract or other arrangement, at a price varying from 94*s.* to 98*s.* per cwt. An inferior quality, sold to workhouses and coffee-shops, and exclusively of Irish origin, may be obtained much cheaper, but it is not to be compared with the other for hospital or dietetic purposes.

Butcher's meat is the aliment which above all others is relished by the invalid, containing as it does the constituents of repair in the most accessible form, combined with great facility of assimilation. To obtain it of good quality and so prepared for the palate as to be both inviting and nutritious is, therefore, one of the prominent objects of all hospital management. It fortunately happens for the simplicity of our cuisine, that the manner in which meat is most relished by the poor is confined to the two processes of cooking, roasting and boiling. From some cause or other, difficult to explain, our patients show a marked disinclination to partake of soups, notwithstanding all the efforts of the cook to render them savoury and nutritious, and, as a consequence, we are compelled to employ meat more extensively in its solid form than perhaps economy would dictate. It is also a matter of experience, that the sick greatly prefer mutton to beef, probably from discovering that the tenderness of the fibre of the former facilitates the masticatory as well as the digestive process, a preference which many hospitals now act on, by using mutton almost exclusively for the diet of the patients. To vary the monotony of an exclusive system of cooking, it is customary in most hospitals to alternate the boiling with the roasting process, and this arrangement greatly contributes to the comfort of the inmates, although I have reason to know they much prefer roast meat to boiled meat days, notwithstanding the addition to their meal on the latter days of a portion of the liquor or broth in which the meat has been boiled. The boiling process of cooking need not be otherwise adverted to, further than to urge the necessity, of which every good cook is familiar, of placing the joints at once into the boiling liquor, so as to coagulate the external layers of albumen, and to thus retain for consumption all or nearly all the precious juices of the meat. What is usually termed roast meat in the majority of our public hospitals is not actually meat roasted, for it is in fact cooked by a process of baking in a close oven and made to simulate ordinary roast meat. This method of cooking, so much in use on the Continent and in the low eating-houses of the Metropolis, has the great ad-

vantage of preserving the meat more entire, as far as regards weight, than perhaps any other process of cooking, but it is said not to possess the flavour of meat roasted before the fire, and that it has a sodden appearance and peculiar taste irreconcilable with a fastidious appetite. I have not been able to convince myself of the latter objection, but with respect to the former, that baked meat does not possess the flavour of meat roasted before the fire, no one who has tasted both can entertain a doubt. Of late years, a process of roasting meat by means of gas has been largely employed in public institutions, and has even found its way into hotels and club-houses. Meat cooked in this manner preserves all the grateful properties which roasting before a slow open fire is known to give it, and from its convenient, cleanly, and accessible arrangement, I am disposed to think that it will ultimately, in large institutions, supersede all other forms of roasting. With the view of testing the comparative advantages of the different methods of cooking, more especially in relation to the losses sustained in the process, I made some experiments, the results of which are given in the following table. The joints employed were legs and loins of mutton, trimmed of fat, and disposed in about equal proportions, except in the case of those roasted by gas, in which legs and shoulders of mutton were alone employed.

	Original Weight.	Loss in Cooking.	Loss in Bones, &c.	Total Loss.
	lbs. oz.	lbs. oz.	lbs. oz.	per cent.
Baking in Close Oven	126 4	24 8	8 2	25·8
Roasting with Gas	87 0	29 0	6 8	40·0
Roasting before Fire	128 8	38 8	10 4	39·8
Boiling	136 0	30 8	9 6	29·3
	477 12	122 8	34 4	32·8

The small loss sustained by baked meat in comparison with meat roasted is very remarkable, and certainly forms a strong argument in favour of the economy of the former system of cooking, which is that usually employed in the hospitals of the Metropolis. In the supply of meat it will be found both convenient and economical to limit the purchase to those parts of the carcase least liable to waste in cooking and carving, notwithstanding their enhanced value in price when compared with the others. Loins and legs of mutton, with thick flanks and ribs of beef, should be preferred to joints which have a more wasteful tendency. In the supply of meat nearly all our public institutions have recourse to the contract system, and notwithstanding some minor objections that may be urged against it, it is, on the whole, found to be the most profitable and convenient. The mutton furnished for the use of the London market may be conveniently classed under three kinds: that used by the wealthier class, known to butchers by the name of prime or down mutton, and usually sold at 1d. a pound dearer than the second class, which

again finds its consumers among the middle and poorer classes and is the quality generally supplied to hospitals and public institutions, and contracted for usually, with the written understanding that it is butcher's meat of the best quality. It is known to the trade by the name of Leicester mutton, and is usually excellent in its way, suitable either for the healthy or the morbid appetite, but it occasionally contains an excessive amount of fat which tells very wastefully in the process of cooking. The third quality to which I have referred is of an inferior description altogether to the others. It is for the most part obtained from the Continent, and sold under the names of Dutch and German mutton. It is purchased largely by the poor as well as by butchers for the supply of the low eating-houses, and is chiefly remarkable for its lean, scraggy and tasteless character when compared with the other qualities of meat noticed. For hospital purposes, the large contractors are able to supply the best parts of the second quality of mutton at prices varying from 3*s.* 10*d.* to 4*s.* 6*d.* a stone of 8lbs., according to the season of the year and anticipated fluctuations in the market, and there is little difficulty felt in keeping them to the terms of their bond. The beef furnished to the London market, as far as my experience goes, does not appear to be of such variable quality as the mutton, but it is frequently objected to by hospital patients on account of its tough and hard character, which, however, I believe is mainly attributable to its having been recently killed. If it is thought desirable to use both beef and mutton in the hospital dietary, a concession to the capricious tastes of the inmates may be easily effected, by confining the issue of the coarser-fibred meat to patients suffering from slighter ailments or external injuries that can in no way interfere with the action of the digestive organs, and reserving the more savoury mutton to those whose diseases indicate a more refined exhibition of animal food. In the treatment of the sick there is perhaps no article of prepared food, of which beef forms the main ingredient, in more universal esteem than the nourishing and grateful diluent familiar to every one under the name of beef tea. Every hospital gives a conspicuous place to this article in its diet roll, and its successful preparation is usually a matter of no ordinary care to all associated with domestic arrangement. On perusing the diet tables of the London hospitals, I find that it is the practice in most institutions to employ two qualities of beef tea of unequal strength, containing respectively half a pound and one pound of beef to every pint of water used in the preparation. This arrangement is evidently made with a view to economy; but if the acknowledged object of its exhibition be to introduce into the system as large an amount of nourishment in as small a volume as possible, consistent with the requirements of the patient and the gratification of the palate, I do not believe that the maximum amount of one pound of meat to a pint of fluid will be found too much for the most capricious stomach. When well made, no one has ever been heard to complain of the excessive strength of beef tea, and as our hospital patients when placed on the diet in question are usually debarred from indulging in solid animal

food, it is of the highest importance that their liquid food should be prepared in as strong and palatable a form as possible. To effect this, the lean parts of the neck of the ox, commonly called stickings, and unsuitable either for roasting or boiling purposes, are employed, and are found most serviceable, as they are not only destitute of bone and to a great extent of fat, but they contain also a considerably larger proportion of fibrin than the other parts of the carcase, a circumstance that may be accounted for by the greater permeation of blood-vessels in the vicinity of the neck. Numerous are the receipts for making beef tea, both on a large and on a small scale. I have seen several plans employed, but for hospital purposes I know of none that will supersede in simplicity and economy the following, which I will attempt to describe. The soft beef, after being devoided of fat, must be cut into pieces of a few square inches in bulk, and then be lacerated or cut again so as to facilitate maceration; after which, in the proportion of a pound weight to about sixteen ounces of cold water, it is to be heated gradually for an hour on a slow fire or steam pan, until it reaches the boiling temperature. The mixture should now be allowed to simmer for a couple of hours more, until all the albumen and a large portion of the fibrin are left in suspension, when the liquor may be drained off and allowed to cool partially, for the removal of the fat, which, notwithstanding every precaution, will be found to exist in considerable quantity on the surface. To the residue of the meat, now pretty well deprived of its main nutritive elements, there should be added more water in about the same proportion as before, and the infusion, or decoction rather, is to be kept close on the boiling temperature for a couple of hours longer, and placed, after straining, in a separate vessel from the other. When allowed to cool, this second infusion is converted into a gelatinous mass, that is to be kept as stock and added to the first boiling of the following day, previous to its being strained. In this way we thoroughly utilise all the active ingredients of the meat, the gelatin, albumen, and fibrin, as well as the other constituents whose properties we are not so capable of determining. I know that many authorities look with small favour on gelatin, but beef tea containing it is much more relished by hospital patients than the simple juices obtained from the first maceration noticed above; it gives a richer and more substantial body to the infusion, and it is difficult to assume that it does not contribute to nourishment, whatever chemistry may say to the contrary.

Besides the meat diets, and occasionally, though rarely, in combination with them, there are in most hospitals diets of milk prescribed for exceptional cases, which diets usually comprise the ordinary hospital allowance of bread, with from one to two pints of milk daily, combined with a moderate allowance of rice, arrowroot, or sago, in the form of pudding. Notwithstanding the large outlay for milk in several of the establishments noticed in the table of expenditure, my impression is that the milk diet is not, as a rule, much in request in the London hospitals, probably from the fact of milk not being so uni-

versally employed as an article of food as its highly nutritive character would lead us to desire it should be. This disinclination for milk is doubtless attributable to the difficulty which the poor have in obtaining it, at their own homes, of a rich and wholesome quality; and situated as we are, far away from the pastures from which it is obtained in its vaccine purity, the taste for it is not likely to be developed to a greater extent than it is at present. Nevertheless, with the knowledge that by its absence from our diet roll we are depriving ourselves of what is frequently spoken of, and with truth, as the type of all food, it is essential to know that the objectionable qualities of London milk may be partially neutralized by its admixture with many farinaceous materials when prepared in the form of pudding. In this condition it is always relished by the young, and is not uninviting to those whose maladies contraindicate an exclusively meat diet; but to the great majority of invalids an exclusively milk diet is not much in request, nor for purposes of convalescence is it desirable that it should be. On these grounds I would argue, that a mixed diet, composed of meat and farinaceous puddings in due proportion, should be distributed, either daily or on alternate days, to such patients whose diseases did not contraindicate the combination. A diet formed on a somewhat similar plan is entered in the diet table of St. Thomas's Hospital, and from the number of patients partaking of it (represented in the table of middle diets) there is evidence of its popularity. A similar diet has latterly been in use at Guy's Hospital with the sanction of the Treasurer, and is particularly acceptable. Although attended with some considerable expense, the addition of milk and farinaceous pudding to the ordinary meat diet will be found to lessen materially the consumption of meat, which may be considered by many to be somewhat out of proportion to other aliment in the table, especially in the first two hospitals named, Guy's, and Bartholomew's. The milk supplied by contract to the London hospitals is obtained chiefly from two or three large contractors, who apparently have a monopoly of the business. Others engaged in the trade tender from time to time, but, as a rule, they are not able to compete with the larger firms alluded to. The price has fluctuated very little during the last few years, its average being 10*d.* a gallon, and its quality, considering that it is brought from considerable distances and divers places, including a journey by rail, is usually pretty good. The only adulteration we have cause to fear is in its admixture with water, the best test for which will be found in the practised palate rather than in specific gravity instruments, which are extremely fallacious. If the poor in London are partially deprived of one of the main sources of nourishment by the doubtful quality of the milk supplied them, they have found a substitute for it in their far-famed beer or London porter; and whatever temperance advocates or social science may say to the contrary, I feel convinced, that if we desire to reconcile our patients to the hospital *régime*, and afterwards facilitate their convalescence, we must supply them with a moderate amount of their favourite

beverage. Of course I speak only of that class of the community in which malt liquor has been habitually indulged in with discrimination, as a portion of their daily food; and after considerable experience of the habits of the class who usually seek aid in hospitals, I find the exceptions to the rule in question are extremely rare, unless an excess of indulgence in the stimulating beverage is to be considered an exception. Acting on this understanding, malt liquor is entered as one of the constituents of food in the dietaries of all the larger hospitals, and I believe its absence from the diet tables of the smaller subscription hospitals is attributable more to motives of economy, than to any expressed aversion to its general employment. That its use is no new feature in the practice of public hospitals, we may learn from the fact of breweries having been formerly established in connexion with many public institutions for the treatment of the sick and insane, the majority of which have now only been abandoned in consequence of the greater facilities and advantages which the large London breweries offer for the preparation and supply of the beverage. For hospital purposes two kinds of malt liquor appear to be in general use, namely, the ordinary London porter, containing about three-quarters of an ounce of alcohol to a pint, and sold to public hospitals at a price varying with the value of hops, and seldom if ever exceeding 32*s.* a barrel of 36 gallons. The other quality is much weaker in composition, never containing more than half an ounce of alcohol to the pint, and its employment does not exclude the use of the stronger beverage, as in every hospital where it is used there is also a considerable consumption of porter. In fact, it is a question whether it would not be more economical, as well as therapeutically correct, to dispense with the weaker beverage altogether, and to substitute in its stead, as has been done in Guy's and the London Hospital, half the regulation allowance of porter, which is really the liquor most appreciated by the patients.

Allied to malt liquors, but occupying a position still more therapeutical than alimentary, we have to rank wines and spirits. I have thought it appropriate to allude to these beverages, because they are not only intimately associated with the subject of diet, but their continually increasing consumption in hospital practice is a source of much anxiety to every administration. It will be observed that in the larger hospitals the wine-merchant's bill occupies a position second only in amount to the butcher's and baker's, and those associated with hospital management are fully aware that, during the last few years, the consumption of alcoholic stimulants has increased in a formidable ratio with the numbers of the sick treated. What has tended much to complicate the question in a financial as well as in a therapeutic sense was the difficulty experienced, chiefly in consequence of the disease in the grape, of obtaining fair port wine at a price that was within the reach of the hospital exchequer, and its consequent substitution by other wines possessing for the most part the same alcoholic and saccharine elements, although deficient in those impalpable requisites and restorative virtues which have given

a prestige to genuine port wine. Prior to the relaxation of the wine duties, many inferior compounds, manufactured either abroad or at home, were largely sold to hospitals and workhouses, and a considerable impulse was given to the sale of the red wine grown in our Cape colonies and sold here under the name of Pontac, but recent fiscal regulations have nearly driven the latter from the market, nor would any one desire its reappearance unless it comes to us in a superior form to that it formerly assumed. With the improved tariff arrangements, numerous new aspirants, chiefly from the vineyards of France and Spain, have been imported and extensively used in hospital and poor-law practice, and from their comparative low price and genuine purity, it is to be hoped that, before long, we may be able to arrive at some kind of decision with respect to the question, how we can best supply this important article to the sick poor. For some time past many of the London hospitals have been dealing in Masdieu, a claret-coloured wine of average alcoholic strength and of excellent quality, obtained from the department of the Pyrenées Orientales in the South-East of France, and sold in the London market at prices varying from £24 to £28 a pipe. Barring its peculiar colour, which gives the impression that it may have been tampered with in the preparation, this wine is really a rich and wholesome beverage, much relished by the patients, who, as a rule, are not very fastidious in the matters of bouquet or flavour. Most authorities, however, agree in the opinion that our best and cheapest substitute for port wine will in future be obtained from the numerous and prolific vineyards of Spain, especially from those of Castile and Arragon, which as yet have not been much opened up to the English market. One of these wines, sold to us as Tarragona port, has been for some time in use in Guy's Hospital, and appears to meet with much acceptance. It is a rich, full-bodied, sweet wine, and has been obtained in bond at £22 a pipe. Dr. Taylor has kindly furnished me with an analysis of this wine, and remarks, that it is "a good sound wholesome wine, with sufficient body and alcoholic strength for all medicinal purposes." It contains 16 per cent. of absolute alcohol, and 10·30 per cent. of grape sugar.

A necessary result, due to the doubtful qualities of hospital wines and to the altered plans of medical treatment, has been felt in the increased consumption of the stronger alcoholic stimulants. In Scotland and Ireland this has been met by a larger employment of whisky, and in England of brandy and gin, but especially of brandy. As a stimulating and therapeutic agent, no alcoholic compound can approach good French brandy, but in consequence of its high price it is but seldom used in hospitals, and recourse has consequently been had to several British substitutes, bearing more or less similitude to their foreign rival, and certainly retaining its alcoholic strength. How these spirits are manufactured is of course a secret best known to those interested in their sale, but it will be found a wise precaution in the purchase, to have recourse only to such as are avowedly of British growth, and to avoid the many that are foisted on the

market at a cheap rate, under the delusion that they are foreign importations.

Before concluding these details relative to diet and its accessories, I may be excused for remarking on the manner in which the diet of the sick should be administered; and especially with reference to a wise relaxation in those general orders which are necessary for the maintenance of discipline, as well as for economy of management in all public institutions. An almost inevitable result of the distribution of solid food to a large number of persons is the unsatisfactory and often unsavoury condition of the diet when brought to the bedside of the patient, from the absence of those familiar facilities for keeping it warm which are so constantly insisted on in the domestic circle. I mention this, to appearance very humble matter, because I have known it to be the frequent cause why sickly persons cannot be induced to partake of the morsel which a returning or even a jaded appetite would otherwise lead them to relish. Too much care cannot be exercised in administering food before it has parted with its appetizing character. To secure this desideratum, it is absolutely essential that several persons should be employed in the supply and carving arrangements of every hospital ward, that the plates and other dishes should be kept hot, and that the meat should not be cut up into rations, as is frequently done, in the kitchen of the establishment, but be conveyed at once to the separate apartments in closed vessels, and distributed in as speedy a manner as possible. In dealing with our capricious ally, I would further advocate the expediency of allowing the person entrusted with the nursing superintendence of a ward, a certain discretionary power to adapt the diet of the day to the continually changing requirements of the patients, as it is impossible for the medical man, who usually makes his visit after the dinner hour, to foresee what new features in the aspects of disease may take place in his absence. This is not delegating too much authority to the females in charge, if they are at all competent persons, nor does it at all interfere with the domestic arrangements, for a compromise can be usually effected between such as have an improved appetite for the day and those who have not. In connexion with the same subject, I would add a word in favour or rather in mitigation of what is usually considered an abuse in hospitals, and against which regulations more or less stringent in every establishment provide. I allude to the introduction of such contraband articles of food as friends or relatives are in the habit of conveying to patients to vary somewhat the monotony of their hospital existence, and to seduce them into an appetite which may perhaps have resisted the ordinary legitimate resources of the diet table. No positive harm can accrue to the sick from their occasional indulgence in such mild accessories to food as spongecake, teabread, ripe fruit, preserves, water-cresses, or in those harmless varieties of shell-fish which appear to possess some unaccountable attraction for the poor of London, and in debarring them from participating in these

luxuries or free gifts, I cannot help thinking that we are depriving ourselves of one of the best aids to treatment.

A sick hospital is so totally different in its object and internal economy from a prison, a workhouse, or even a public boarding-school, that the regulations which are applicable to the latter become doubly vexatious when enjoined as the basis of administration in the former. The object being to obtain for our temporary guests as speedy a restoration to health as possible, it is advisable to relax every moral or physical restriction which can in any way interfere with their wholesome wishes, even to the extent of pandering to their foibles, so long as it can be accomplished without prejudice to the well-being of the patient or to the internal economy of the household.

Statement of the Appropriation of the Nightingale Fund. *By* Major-General Sir Joshua Jebb, K.C.B.

It is perhaps almost needless to state that the Nightingale Fund is the proceed of a public subscription, raised at the close of the Crimean War, as a tribute to Florence Nightingale, for the services rendered by her in tending the sick and wounded soldiers in the Military Hospitals on the Bosphorus and at Balaklava. At the public meeting at which the subscription was determined on, it was resolved that the proceeds should be placed at the disposal of Miss Nightingale, to enable her to establish an institution for the training, sustenance, and protection of nurses and hospital attendants. At the same time trustees were appointed, in whose names the funds were invested, and by the trust deed, which was executed for the purpose of carrying out the intentions of the subscribers, a council was appointed on the nomination of Miss Nightingale, whose duty it was, in the first place, to assist her by their advice, and in the next place, should she desire it, to take upon themselves the management of the Fund.* The monies subscribed were invested in the Government Funds, and, with their accumulations, produced in the past year a net income, after deducting income tax, of a little over £1,400.

For some time after Miss Nightingale's return from the Crimea she was unable, both from ill-health and the pressure of other avocations, to mature such a scheme as appeared to her worthy of the intentions of the subscribers, still less to undertake personally the execution of it. Eventually, at the close of the year 1859, finding her health still unequal to the task, she made over the entire control of the Fund to the council, at the same time suggesting the course of action which she desired to be pursued. The council in

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* The original members of the council were, The Right Honourable Sidney Herbert; Sir James Clark, Bart.; The Dean of Hereford; Sir Joshua Jebb, K.C.B.; Sir John MacNeil, K.C.B.; Mr. C. H. Bracebridge; Mr. William Bowman; and Dr. Bence Jones.

their subsequent proceedings have had the benefit of Miss Nightingale's advice and suggestions, and, in fact, all the important details of the plans adopted have been prepared by her.

The first object sought to be attained was to afford the means of acquiring a thoroughly practical and scientific training to women desirous of working as Hospital Nurses. This class of nurses was selected in the first instance for obvious reasons. It was the object most prominently put forward in the resolutions of the subscribers, and properly so, for while on the one hand it is to hospitals and infirmaries that those patients resort who are most in need of assistance—on the other, it is on the efficiency of the nurses in hospitals, more than in any other position, that a larger number of cases are dependent for successful treatment. Moreover, the want of a school for training nurses to supply the metropolitan and provincial hospitals and infirmaries was deeply felt.

Certain advantages afforded by St. Thomas's Hospital pointed it out as well suited for the purpose. An agreement was entered into with the authorities of that Hospital in the spring of 1860. Under this agreement it is provided that a certain number (at first fifteen) probationer-nurses shall be received into the hospital, all extra expenses thereby caused being charged to the Fund; that the probationers shall be provided with board and separate lodging in the Hospital under the charge of a sister, and shall receive instruction in the wards from the superintending sisters, the matron, and the resident medical officer, all of whom are to be allowed to receive remuneration from the Fund for so doing. The agreement was to remain in force for two years, and be terminable at six months' notice.

The following regulations were laid down by the committee * as to the admission and training of the probationers:—

1. The committee of the Nightingale Fund have made arrangements with the authorities of St. Thomas's Hospital for giving a year's training to women desirous of working as hospital nurses.

2. Women desirous of receiving this course of training should apply to the matron, at St. Thomas's Hospital, subject to whose selection they will be received into the hospital as probationers. The age considered desirable for probationers is from twenty-five to thirty-five; a certificate of age and a testimonial of character, according to a form which will be supplied by Mrs. Wardroper, will be required, also the name and address of medical attendant.

3. The probationers will be under the authority of the matron of the hospital, and will be subject to the rules of the hospital.

4. They will be supplied, at the cost of the Nightingale Fund, with separate lodging in the hospital, and with board, including tea and sugar, and with their washing; and they will be furnished with a certain quantity of outer clothing, of a uniform character, which they will always be required to wear when in the hospital. They will serve as assistant-nurses in the wards of the hospital.

5. They will receive instruction from the sisters and the resident medical officer. They will be paid, at the end of the first quarter a sum of £2; at the end of the second quarter, £2 10*s.*; at the end of the third quarter, £2 10*s.*; and at the end of the fourth quarter, £3.

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* The committee of the council now consists of Sir Joshua Jebb, K.C.B.; Sir Harry Verney, Bart.; Sir John MacNeil, K.C.B.; Mr. William Bowman; Mr. John Forbes Clark; and Mr. Wm. Spottiswoode.

6. At the close of a year, their training will be considered complete, and they will be expected to enter into service as hospital nurses in such situations as may be offered to them.

7. The names of the probationers will be entered in a register in which a record will be kept of their conduct and qualifications. This will be submitted at the end of every month to the committee of the Nightingale Fund. At the end of a year those whom the committee find to have passed satisfactorily through the course of instruction and training, will be entered in the register as certificated nurses, and will be recommended for employment accordingly.

8. The term of a probationer's service is a complete year, and they will be received on the distinct understanding that they will remain for that length of time. They may, however, be allowed to withdraw, upon grounds to be approved by the committee, upon three months' notice. They will be subject to be discharged at any time by the matron, in case of misconduct, or should she consider them inefficient or negligent of their duties. They will be eligible, upon proof of competency, during their year of training, or at its close, to permanent appointments as extra nurses in St. Thomas's Hospital. The committee look forward with confidence to being able to find situations for their certificated nurses, either in St. Thomas's or some other hospital.

9. The committee will allow gratuities of £5 and £3, according to two classes of efficiency, to all their certificated nurses, on receiving evidence of their having served satisfactorily in a hospital during one entire year, succeeding that of their training.

The first quarter in each year will commence on the 24th June. Applications should be made to the Matron, St. Thomas's Hospital, London, S.E.—if personally, between ten and eleven A.M.

The upper floor of the new wing of St. Thomas's Hospital has been fitted up in a very complete manner for the accommodation of the probationers, so as to provide a separate bedroom for each, a common sitting-room, and two rooms for the sister in charge. The first fifteen probationers were admitted on the 24th June, 1860. The course of training is almost exclusively of a practical kind, and comprehends all that a nurse is required to know and to do at the bedside of the sick. The regulations show what means are adopted for ascertaining precisely the progress made by each probationer, and the committee is kept fully informed on the subject. The details of the qualifications expected are contained in the following memorandum:—

You are required to be sober, honest, truthful, trustworthy, punctual, quiet and orderly, cleanly and neat.

You are expected to become skilful—

1. In the dressing of blisters, burns, sores, wounds, and in applying fomentations, poultices, and minor dressings.
2. In the application of leeches, externally and internally.
3. In the administration of enemas for men and women.
4. In the management of trusses, and appliances in uterine complaints.
5. In the best method of friction to the body and extremities.
6. In the management of helpless patients, *i.e.*, moving, changing, personal cleanliness of, feeding, keeping warm, (or cool,) preventing and dressing bedsores, managing position of, &c.
7. In bandaging, making bandages, and rollers, lining of splints, &c.
8. In making the beds of the patients, and removal of sheets whilst the patient is in bed.
9. You are required to attend at operations.
10. To be competent to make gruel, arrowroot, egg flip, puddings, drinks for the sick, &c.
11. To understand ventilation, or keeping the ward fresh by night as well as by

day; you are to be careful that great cleanliness is observed in all the utensils; those used for the secretions as well as those required for cooking.

12. To make strict observation of the sick in the following particulars:—

The state of secretions, expectoration, pulse, skin, appetite; intelligence, as delirium or stupor; breathing, sleep, state of wounds, eruptions, formation of matter, effect of diet, or of stimulants, and of medicines, &c.

13. And to learn the management of convalescents.

In the appendix is given a table of the hours for day and night work respectively. Lectures of a practical character are kindly given to the probationers by several of the members of the medical staff of the hospital; viz., Dr. Bernays, Dr. Brinton, and Mr. Le Gros Clark, as well as by Mr. Whitfield, the resident medical officer. The chaplain has also, twice a week, kindly given a short lecture on a religious subject. The probationers, while in the wards, are under the immediate superintendence of the sister, who keeps a daily record of their conduct, specifying the manner in which the several duties above referred to are performed, and this journal is inspected and the result entered in the register, with other particulars, by the matron and resident medical officer. Thirty-nine probationers have up to the present time been admitted. Of these, some have been dismissed and others have resigned after a short probation. Twelve completed their training at Midsummer, 1861, so as to entitle them to certificates. Fourteen are still in the hospital, of whom the greater number will shortly have completed their year's probation. Of those who have left the hospital, eight have been appointed to hospitals or union infirmaries in the provinces, four are at present retained as nurses at St. Thomas's. Their wages vary from £20 to £25, with board and lodging. It is considered desirable that the probationers should, if possible, spend a second year at St. Thomas's as regular nurses. They are thus enabled to enjoy the advantage of a further and very valuable experience before going out on a more independent footing. The annual expense involved in the execution of the above scheme is about £900 per annum, or £60 for each probationer.

The next object which presented itself as affording scope for the employment of the available surplus income of the Fund was the training of midwifery nurses. It is believed that the want is deeply felt, especially in country parishes and provincial towns, of women properly qualified to attend upon the wives of the poor in their confinements, and to take charge of the infants. As a rule, the class of women who are so employed are most incompetent, and often, if fairly competent, do not bear the most respectable characters. It was therefore considered that, if means were afforded for acquiring the requisite training at a small cost, those who are interested in the welfare of their poorer neighbours would be induced to select and send a fitting person to be trained with a view to their subsequent permanent employment in the immediate locality, and under the superintendence of those who should undertake this responsibility. It is believed that women so trained, acting under the clergy and medical men, would be a great boon to every populous parish, requiring only some pecuniary aid in the outset, and eventually be enabled to support themselves.

There was some difficulty in fixing upon an institution which afforded the requisite means of training, together with that supervision over the pupil nurses, while not under instruction, which is so essential. The manner in which this object has been carried out will be best explained by reading the regulations which have been laid down by the committee.

1. The committee of the Nightingale Fund have made arrangements with the Council of St. John's House, under whose management the "Nursing" in King's College Hospital is placed, for training annually a limited number of women in the duties of Midwifery-Nurses, with a view to their being employed in country parishes or districts, (for the benefit of the poor,) under the direction of the clergy and medical men.

2. The instruction will be gratuitous. In order to accomplish this object, the committee have engaged to maintain, at the expense of the "Fund," a certain number of beds for the reception of poor married women during their confinement, in wards set apart by the Committee of King's College Hospital for this special purpose; and the authorities of St. John's House have agreed to undertake the conduct of the requisite training under the direction of the Physician Accoucheur of the Hospital (Dr. Arthur Farre) and the Assistant Physicians for the diseases of women and children. The nurses will be instructed by an experienced midwife, provided at the cost of the "Fund." They will, while under training, attend also certain cases of women confined at their own homes.

3. The period of training will be not less than six months, and the probationers must undertake to remain at least that time.

4. The cost of board, lodging, and washing to each probationer for the whole six months will be £10, paid in advance.

5. The age considered desirable for the probationers is from 26 to 34. A certificate of health, with the name and address of medical attendant, and strict references as to character, will be required.

6. A record will be kept of the conduct and qualifications of each probationer. Those who have passed satisfactorily through the course of instruction, will be entered in a register as certificated midwifery-nurses, and a copy of such entry will be sent to those persons who may have recommended the nurse for the required training.

7. The probationers will be under the authority of the Lady-Superintendent of St. John's House, and in all respects subject to the same rules as the regular inmates of the Institution. They will be liable to immediate dismissal by her in case of misconduct, or negligence of their duties; if she should consider them inefficient, notice, in order to removal, will be sent to the probationer's referees, and in neither case will the probationer be entitled to receive back any part of the money paid for her maintenance.

8. Probationers will be received on October 31st and April 30th in each year. Application should be made, at least a fortnight previously, to the Lady-Superintendent of St. John's House, King's College Hospital, London, W.C.

1st October, 1861.

The number of beds to be maintained is ten, and the number of probationers is limited to six to begin with. This scheme has only been in operation since December last, and the number of probationers is not yet complete. A very capacious ward in the new wing of the hospital has been appropriated for the reception of the patients, and has been given the name of the Nightingale Ward. The annual expense will be £400. The agreement is to be in force for two years. A small fund has been provided, to be applied at the discretion of the lady-superintendent towards the cost of board and lodging of the pupil nurses, but it is expected that this will not be required after the institution has become better known.

It may appear, at first sight, that the number of nurses trained is small in comparison with the amount expended. It must, however, be borne in mind that the object which it is desired to attain, namely, to raise the standard of education and character among nurses, as a class, can only be effected by small beginnings, and necessarily, at first, at considerable expense. Moreover, this cannot be done merely by giving a practical and scientific training; the moral atmosphere of the school, so to speak, is of the greatest importance. Hence, the necessity also of great care in admitting as probationers those only who are impressed with a strong sense of duty in desiring to improve themselves and to do credit to the calling to which they propose to devote themselves. Some difficulty has been hitherto encountered in finding fitting applicants for the vacancies. Persons of superior manners and education, ladies in fact, are not as a rule required, but rather women of somewhat more than ordinary intelligence, belonging to those classes in which women are habitually employed in earning their own livelihood. Ladies are not excluded, where sufficient evidence is shown that they intend to pursue the calling as a business. It is much to be desired that those who are interested in the success of the Nightingale Fund, should exert themselves to make known its objects among persons of this description, so as to afford a larger supply of applicants.

The institution undoubtedly affords an opportunity to women to fit themselves for an employment of a superior kind. The ultimate success, however, of the scheme must depend on economical grounds. It is believed that the means are now afforded of producing examples of what a real nurse ought to be—such as Florence Nightingale would have her be; it remains for their employers, viz., the public, to display a just appreciation of their value by paying an adequate remuneration for their services. As a rule, the wages of a nurse, especially in the provincial hospitals and infirmaries, has not been sufficient to ensure proficiency. The rate of wages at St. Thomas's Hospital for nurses is £20, with board and lodging—the salary of the sisters varies from £60 without board and lodging to £50 with it. In recommending the probationers for employment, it is stipulated that the payment shall not be less than £20 with board and lodging. Three have recently obtained £25, with board, lodging, and all extras, and one has recently been appointed a sister, with a salary of £50.

It is a matter of very great regret that, in consequence of the intended removal of St. Thomas's Hospital, the reception of probationers has had to be suspended for the present.*

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* Since this paper was read, arrangements have been made by the hospital authorities for carrying on the hospital at the Surrey Gardens, as a temporary site, and accommodation will be provided for the reception of probationer-nurses, the number being somewhat reduced.

APPENDIX.

TIME TABLE FOR THE PROBATIONERS UNDER THE "NIGHTINGALE FUND."

DAY.

Rise.	Breakfast.	Wards.	Dinner.	Wards.	Exercise.	Tea.	Wards.	Dormitory.	Supper.	Bed.
a.m. 6	a.m. 6½	a.m. 7	p.m. 1	p.m. 2	p.m. 3½ to 5	p.m. 5	p.m. 6	p.m. 8½	p.m. 9	p.m. 10

NIGHT.

Rise.	Tea.	Wards.	Dormitory.	Breakfast.	Wards.	Dormitory.	Exercise.	Dinner.	Bed.
p.m. 9	p.m. 9½	p.m. 10	a.m. 6	a.m. 6½	a.m. 7	a.m. 10	11 a.m. to 1 p.m.	p.m. 1	p.m. 2

During the week, prayers are read in the Wards at 8 a.m., and in the Dormitory at a quarter before 10 p.m.

On Sunday the Probationers are expected to attend Divine Service in the Parish Church at 11 a.m.

Abuses attaching to the Administration of London Hospitals. By W. O. MARKHAM, M.D., *Physician to St. Mary's Hospital.*

THE medical charities of London, supported as they mainly are by private benevolence, have long been an object of pride to the country, and justly so. The good which they effect in relieving the many woes necessarily incident to humanity in this vast Metropolis is scarcely to be calculated. But this great good, tainted with the attribute of all things human, is not unmixed with very serious evils, and with evils that are on the increase. One uniform system prevails in the administration of the charities, and it is an imperfect system. The imperfection, therefore, is multiplied, *pari passû*, with the number and increase of the institutions; the old evils thriving with accumulated vigour, as they cling and gather round our new-born charities.

The abuses to which I desire to call attention are, in truth, no novelties. Their existence has long been known to, and lamented over by the whole profession; and I have myself, on many occasions, brought them prominently before medical readers.* Who, indeed,

* See numerous Leading Articles in *Medical Times* during 1858-59-60.

can be better fitted than the medical man to write the modern story of these charities? Who can know, as well as he, their strength and their weaknesses, their uses and abuses? Unfortunately, however, by pressure of position, and from the very nature of the evils themselves, the profession cannot take the lead in bringing about their removal; it is only by an appeal to public opinion, and through the voice of the governors of medical charities, that the required reformation in their administration can be effected.

The thesis which I have to maintain is this: That the public medical charities of London do not rightly subserve their right purposes. Their administration is founded on faulty principles. The immense good which they effect is leavened with an inordinate and unnecessary, because removeable, amount of evil; and, consequently, the interests of all parties connected with them—of the patients, of the charitable governors, and of the medical profession—are injuriously affected. These evils, it may be also added, operate, as I shall show, indirectly to the serious prejudice even of those who live beyond the pale of the charities.

The main object of medical charities, according to their programme, is to give relief in time of sickness to those of the working classes of society—the artisan, the labourer, and the servant, &c.—who are unable duly to provide it for themselves. It manifestly was never intended that their benefits should be extended either to the irredeemable pauper, or to the thriving citizen. It is not for their relief that the benevolent are called upon to subscribe their money. But the truth is, that a very considerable proportion of these two classes—the pauper and well-to-do citizen—make up the sum of our charity-patients. And this is the first abuse to which I will call attention.

With regard to the thriving citizen. It is a fact well known to the personal experience of every medical man in London, that there are at all times, and in every hospital in London, a certain percentage—and far from a small percentage—of patients, whose admission to its benefits is simply a gross robbery of the charity and of the medical profession. This robbery is practised to a much greater extent in the larger than it is in the smaller hospitals of London; and in the out-door departments of hospitals and dispensaries the imposition has scarcely any limits. Impostors will be found here at all times, who are as well able to pay for medical advice as the governor is who subscribes to the maintenance of the charity.

The growth of this abuse has been especially fostered by the rivalries and jealousies of the many new charities which are daily springing into life. Some of these charities, competing for public patronage and favour, underbid each other like veritable hucksters. Some proclaim the richness of the wares they distribute—the superior benefits they can supply. Some catch an admiring public's esteem by publishing weekly returns of the hundreds and thousands of patients who receive relief, as it is called, within their walls. Others, again, as a special claim to the public effusions of benevolence,

affix this bait to their programme: that they give advice and help to all that ask it, without stint or question.*

In this way, medical relief is thrown broadcast before the public, and the abuse I am now speaking of, viz., the giving of the benefits of charity to those who have no kind of claim thereto, is mainly promoted.

The truth is, that there is, practically, no check whatever in existence at the present time to prevent the admission of unfit objects to our charities; and as the charities are now administered, there scarcely can be any check. Those whose especial business it is, and ought to be, to interfere, viz., the medical officers, by their position naturally fall into the way of being the very last to do so; for, unfortunately, in this matter their interests as public officers are opposed to their interests as private members of the medical profession.

The injury which they sustain as individual members of the profession, is more than compensated to them by the reputation they gain as public men. It is the profession at large that chiefly suffers by this abuse. The public professional man's gain is, in fact, in this case, the private professional man's loss.

The robbery which is thus perpetrated on the governors of medical charities, and on the medical profession, is great in all hospitals and dispensaries, but it is carried to its culminating point and most especially fostered by what are called special hospitals. The reason why is manifest enough. The public afflicted with a given malady naturally fix their thoughts and inclinations on the public charity which deals especially or solely with the cure of that malady. They think, and not unreasonably, that under the protection of the special hospital and of its special functionaries they will obtain a specially effective cure of their disease. Hence, indeed, it is, that the victims of this or that malady, not only from all districts of London, but from all quarters of England, direct their eager and hopeful steps towards the metropolitan charity whose medical officers are specially celebrated for dealing with the disease. How can the medical officer, in such cases, select from the widely collected crowd which throngs the favoured doors of their special institute, the worthy and the unworthy applicant? And what inducement has he to undertake the invidious task? The profession at large, it is true, is pillaged, and the benevolent too, by this indiscriminate alms-giving;

* If the public were only calmly to consider this matter in its true light, they would see in the very fact of the large numbers of patients, which are thus advertised week after week in the public journals as having been relieved at this or that charity, the condemnation of the charity. Medical advice and physic poured out in this wholesale fashion is an empty farce. The medical man has, under such conditions, scarcely even time to look at his patient, much less properly to search out the real malady and prescribe for it. Would that the admirers of charities which give unrestricted admission to patients could see the way the business is necessarily performed. I have heard of a physician to one of them *seeing* (that is the technical word) 300 patients at a sitting! 300 at one minute each gives five hours for the time required—at two minutes each, ten hours!

but the individual administrator of it obtains a world-wide reputation and its desirable accessories.

Hence, then, it follows: that the removal of this abuse—the perversion of public benevolence to unworthy objects—can only be effected by the interference of the governors themselves; for its maintenance is rather to the interest than otherwise of the officers of our medical charities, and particularly of our special medical charities.

Next, with regard to the pauper class of patients: I have already stated, that our hospitals were not established to give relief to such patients. It is, admittedly, the duty of the rate-payer, and not of the hospital governor, to provide for their necessities. Yet I would call for the abatement of this abuse most especially in the interests of these unfortunates themselves.

Paupers flock to our medical charities, too often driven there by the ill-usage which they suffer at the hand of poor-law officials, and by the difficulties thrown in their way when they seek parish relief. As out-patients they come to our charities for pity and consolation, and cod-liver oil, and stimulating drugs, and the little sago, or wine, or arrowroot, which is occasionally supplied to them; the truth being, all the time, that their diseases are the diseases of want of food. The bills for cod-liver oil consumed by this class really represent so much food paid for by the governors, instead of by the rate-payers. The poor-law authorities know well enough the facilities offered to the sick for admission to our charities, and they therefore drive the pauper to take advantage of them. They use these charities, in fact, as a kind of sluice, into which they turn a large amount of parochial misery, instead of honestly providing for it; and thus plaister over their own shortcomings and defects. If hospitals were not thus widely opened, the poor-law officials would be forced to administer food to the sickly pauper, instead of sending him to a hospital for physic; the funds of the hospital would then be spent wholly on the legitimate objects of its benefits; and the pauper would be maintained, as he ought to be, by the rate-payers at large, and not at the expense of the benevolent, and to the saving of the non-benevolent rate-payer's pocket.

The practical way of distinguishing between the pauper and the proper objects of hospital medical relief will appear clearly enough when we consider the next point.

I have now to consider the case of the proper objects of medical charities, of those for whose especial benefit the charities were founded, in whose behalf the subscriptions of the benevolent are daily and urgently demanded by advertisement and otherwise. And I will show how, as enlightened members of society, we are not wisely and considerately administering charity, but are injuring morally and physically the class of whom I speak, and at the same time unfairly drawing upon the generosity of the benevolent public.

To state this position clearly, I would ask the charitable governor to consider with me what are, positively and exactly, the ends he

desires to attain by his charity, and what is the actual social condition of the objects of his charity at this present time. An impartial consideration of these two questions will, I am sure, satisfy him that his present mode of administering relief is founded on a partial fallacy; and that, in fact, his benevolent and kindly impulses have led him into the respectable and yet very common mistake of indiscriminate almsgiving; that he is consequently injuring the best interests of the objects of his charity.

It may, perhaps, be thought superfluous, or worse, to exclaim against an excess of benevolence, when (as statistics show us) such an inordinate amount of want of benevolence is exhibited by the wealthy, whose mansions surround our public charities. But my answer to the objection is this: that if our charities were more wisely administered, the selfish rich would no longer be able to hide their selfishness under the cover of the overstrained generosity of their benevolent neighbour. They would then be forced to practise a virtue, the monopoly of which they at present leave in the undisturbed possession of others.

Our charity, as bestowed upon hospitals, &c., theoretically considered, has manifestly this object in view, viz., to assist the working classes of society (as above described) in their hour of sickness, and to afford them that comfort and consolation which their own means do not enable them to compass. Conscientiously fulfilling the divine command involved in the assertion, that the poor shall never cease from the land, charity steps in and supplies an inevitable want; it does for the individual, suffering under the visitation of Providence, what he cannot do for himself. This is the business of an enlightened, a wise, and a Christian charity.

But charity which goes beyond this, which does for the individual what he can do for himself, is no longer wise and enlightened. Unlike that genuine virtue which blesses him that gives as well as him that takes, such charity injures both the giver and the receiver—imposing on the benevolence of the one, and destroying the self-respect, and degrading the finer sentiments of the other.

This, I think, all will admit is the principle which, in theory at least, should guide our charitable hand. If then it can be shown, and I affirm it may be shown, that medical charities do for the working classes what the working man can and ought, in great part, to do for himself, it follows that their present method of administration is defective—injurious to the giver, and morally degrading to the recipient. To show this, I must ask my readers to consider the actual position of the working classes at this day. The time has been, I need hardly say, when to argue of the poor aiding themselves in the matter of medical relief would have been an idle cruelty. The working classes of this country through many long dreary centuries, and up to a very recent period of modern history, were literally paupers. In the pages of Macaulay we may learn how this *vile pecus* was worked, and fed, and clothed, and lodged; and how it sickened, and

was tended, and died in other days. We there may learn how the lower sort fared, when feudal barons kept retainers, and monasteries were the poor-law unions, and monks the relieving officers of the country. And even down to one generation ago, the workman was still no better than a pauper, unable by his labour to obtain a sufficiency of the prime necessaries of existence—food and raiment. Benevolence, we may be well assured, in those days, never outstripped its limits of true usefulness.

But, Heaven be thanked, within the memory of most of us, the condition of the class I am now speaking of has, in this country, been utterly changed. For thirty years past, at least, the elevation of the moral and social condition of the working classes of this country has been the one great theme of the philanthropist and the legislator, the objects of their most strenuous and enlightened efforts, and well have these efforts been repaid. The condition, the physical condition, of the working classes has been raised to a height of prosperity heretofore unheard of in the annals of any country in the world. Not only the means of bare existence, but abundance of food, most of the comforts, and some of the actual luxuries of life are now within the reach of the industrious and provident workman. The annual wages of the working classes in this country have been reckoned to amount to about £170,000,000. The weekly wages of different workmen are as follows :—

Mason	32*s.* per week.	Plumber	33*s.* per week.
Bricklayer	33*s.* ,,	Labourer	20*s.* ,,
Carpenter	32*s.* ,,	Fitters in Engineers' shops	35*s.* to 37*s.* ,,
Joiner	33*s.* ,,		
Painter	32*s.* ,,		

Iron-rollers earn from 12*s.* to 15*s.* per day ; and ball-furnace men with families can in brisk times earn from £300 to £400 per annum. The annual earnings of many families in cotton manufactories amount to more than the average income of the clergy of England. The wages of butlers, coachmen, and footmen, with their board, &c., are equal to, if not greater than the average income of curates—and yet these are the classes who seek hospital charity !

And if I wanted any stronger proof of the immense wealth of the working classes, I would instance the facts of strikes. On the last occasion of the builder's strike vast sums of money were subscribed by other trades for their support. During the strike of 1853, the Blackburn operatives alone sent £30,000 of their earnings to the Preston operatives. When the builders struck the other day, they were earning 5*s.* 6*d.* per day—a sum equal to the pay of an ensign or lieutenant.

Besides this, whilst this increase of wages has been steadily going on, the average price of prime articles of life has been gradually diminishing. During the last thirty years—

Bread has sunk from		9*d.*	to	6*d.* the 4lb loaf.
Sugar	„	7½*d.*	„	4½*d.* per lb.
Tea	„	6*s.*	„	3*s.* 6*d.* „
Soap	„	7*d.*	„	4*d.* „
Coals	„	£3	„	£1 5*s.* per ton.*

Again, we are told by the Social Science Association, that in the year 1858 the workmen of this country consumed spirits, beer, and tobacco, to the value of about £45,000,000; consequently, we arrive at the astounding fact that more than one-fourth of their wages are actually spent on these articles.†

Do not facts like these plainly indicate that the workman is well able in his hour of health to provide for his day of sickness—that out of the enormous sums spent by him in superfluities and actual debaucheries he might lay aside some small item for the necessary requirements of sickness? If so, then clearly it becomes the duty of the philanthropist to teach him the lesson of providence.

Our charities, at the present moment, so far from leading men's minds in this direction, actually tend to encourage them in habits of improvidence, and to lead them into the drunkenness and debauchery, which, we too well know, are the ordinary supplement of high wages. They, indirectly indeed, encourage the growth of the very diseases which they are established to cure. I do not think I am exaggerating, when I state, that a very large proportion of the diseases of male patients in our hospitals may be traced directly or indirectly to the effects of drinking and drunkenness. A long list of kidney, liver, and brain diseases, physicians trace directly to the effects of drinking. A very large number, also, of the accidents admitted are the results of drunkenness—happening to the individual or to others in consequence of his drunkenness.

The list of diseases and the misery, also, indirectly flowing from the profligate expenditure of wages and money is far from inconsiderable. A large proportion of the numerous diseases of the mothers and children, who swarm in the out-door department of hospitals, also find their source in the husband's and the father's drunkenness. These diseases are in great part the results of want of food—of the semi-starvation which the family suffers through this drunkenness.

But not only do the plainest facts assure us, that the working man's condition is such as to enable him to assist himself in the matter of medical relief; we likewise have the proof of it demon-

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* For these facts I am indebted to the *Quarterly Review* of 1859. Article on Strikes.

† The public have, generally, little idea of the enormous amount of beer and spirits swallowed by British workmen; nor are they aware of the large number of persons who become hospital patients because they swallow such inordinate quantities of drink. It is a fact, however, that the great source of misery, crime, and disease in this country is drink, reckless drunkenness; and that our hospitals, as now constituted, actually serve, in great part, as succedanea for the relief of ills which flow from drunkenness!

strated by the fact, that he actually does so, both under pressure and voluntarily, when not unwisely interfered with by inconsiderate benevolence. There are, for instance, numerous benefit societies spread over the country, and especially where there is no medical charity at hand to starve their growth. And there are also large public and private companies, who compel their workmen, by weekly subscriptions, to provide for the evil days of sickness. These men, thus forced to be wise, find themselves when ill neither parish paupers, nor objects of hospital charity, but still independent men, provided for at their own charges. We have thus the positive proof that the workman is able to do for himself much of what our medical charities do for him.

If the statements here made, and the position assumed, be admitted as correct, and the admission seems to me inevitable, the truth of my main proposition is necessarily established, viz.: That our medical charities are not adapted to the present necessities of the working classes, and therefore require reformation.

And here I would observe, that even though the individual were made to help himself, charity has still its ample work to do. A considerable percentage of the inmates of hospitals is formed of those whose diseases and accidents demand instant relief. For such cases ordinary rules cannot provide. And besides this, charity will probably, in all cases, be called upon to assist, to a certain extent, him who assists himself. A careful investigation into the actual condition of the individual indeed will be required, in order to decide what part of this burden of sickness his own shoulders are able to bear, and what part of it should be laid to the account of charity.

A consideration of the above particulars at once leads us to the nature of the reform required, and so also to the principles upon which the charity bestowed by our medical institutions should be founded. In the first place, a rigid scrutiny should preside over the admission of applicants for their benefits; and the words "fit and proper person to be made a patient," should be clearly and distinctly defined. As the medical men cannot themselves superintend the proper admission of patients, the governors should perform the task. Secondly, mechanics, labourers, small shopkeepers, &c., should have the same quality and character of medical relief which they obtain at present opened to them, on subscribing a certain sum during their days of health. In a word, our hospitals and dispensaries should be made Provident Medical Institutions, and be conducted on the principles of Assurance Societies. The Provident Hospital and Provident Dispensary are at this time of day the right and legitimate supplies of medical relief to the labouring class; but such establishments do not, and in fact cannot, exist under the present system. How can we expect mechanics to subscribe to a Provident Medical Institution, when they can readily, and without question, obtain *gratuitously* what they consider a far superior article in the way of advice? Our present charities necessarily prevent the growth of such self-supporting institutions.

Moreover, on this head, hospital experience has shown to me, that the class in question is perfectly willing as well as able to pay the small sum which would secure them the benefits they now obtain gratuitously. I have no hesitation in asserting that if the provident system were adopted, a large proportion of the current expenses of our medical charities would be cheerfully paid for by the objects who receive their benefits. Our medical institutions would then, instead of pauperising the minds of the working classes, and stifling the sentiment of self-reliance, the noble social attribute of which Englishmen are wont to boast so loudly, raise them up to a position of independence; and they would then also no longer tend indirectly to injure the pauper by salving over the neglect of parish authorities, as they do at present.

The industrious workmen have now no encouragement to be independent in this matter of medical relief. Many who would readily, under ordinary circumstances, join a sick club, are enticed away from doing so by the gratuitous relief so indiscriminately afforded them by medical charities: "Why pay for what is to be had so easily for the asking?" Others, again, (and I see abundant daily proofs of the fact,) with the feeling of independence still alive in them, call in "their doctor," and then what happens is this—they pay away to him all their little savings, or run up a bill which they cannot discharge, and having arrived at this point, they fall back penniless on our hospitals. Now this class of persons, who ought most especially to be encouraged, is the very class which now suffers most hardly. Their industrious and thrifty habits lead them to accumulate some savings; but on the very fact of their possessing this thrifty store, we decree that they are not fit objects of our charity. Nor are they fit objects of charity as we practise the thing, nor do they desire to be objects of such charity; but still they are above all others the persons whom we ought, in wisdom, to assist; and they are the very persons, who, if we made them the offer, would gladly when in health (by payment equal to their powers) insure for themselves the benefit of hospital advice in their times of sickness. Yet, let it be noted, while we put aside this thrifty class, we open our doors freely to individuals who are of the same position in life, who earn the same wages, and have equal opportunities, because these men, by habits of intemperance and debauchery, have rendered themselves the subjects of brain, liver, kidney and numerous other diseases, and have increased the poor's-rates by pauperising their families. Instead of instructing these men and training them up to better ways, we (I must again repeat what seems to me an inevitable truth) actually encourage them in their vices by offering them the comforts of an hospital as the conclusion of their debauchery.

Those most engaged in works of charity know best the extreme difficulty of giving alms wisely, and the great mischief done by unwise charity; and I would therefore especially call their notice to these facts, because I feel that it is only by their help that

medical charity can be put upon its right footing. It will readily be admitted, that the mere giving of money is not charity in its fullest meaning; that there is far more real charity involved in the labour which seeks out the rightful disposition of its gifts, than in the mere money gift itself. It is doubtless much easier to give a patient a letter of admission to a charity than to inquire whether he is worthy of admission to it. But real charity demands the inquiry, and will not grudge the labour it requires.

Now inquiry of this kind would have another excellent result; it would force upon the inquirer's mind a knowledge of the actual wants and condition of the individual who seeks relief, and would thus teach him how those wants may be best and most wisely relieved. He would then soon discover that the establishment of the provident scheme is a thing absolutely necessary for the carrying out wisely of any system of charitable medical relief. We must be able to say to the labouring classes: You have no excuse; there before you stands a medical establishment which, in your inevitable hour of sickness, will guarantee to you every comfort you can desire, provided that now, in your time of health and strength, you will make proper provision for that time. Do what you can, and we will do the rest for you. But if you do not choose to accept the offer, you cannot complain that such comfort is closed to you when the evil day comes.

The truth is, that in this matter we do great injustice to the poor. I know from daily personal experience (for I have naturally made inquiry on this head) that the majority of the proper objects of hospital relief are not only able, but are willing to enter into this bargain. If the provident scheme were properly established, we could then rebuke those who improperly seek for charitable relief; but as things now are, how can we blame such persons? There is no institution fitted to their position and their wants to which we can recommend them.

I need not attempt to sketch out here the plan of working of Provident Institutions; for I am satisfied no one will deny their infinite superiority, when applicable, over all other benevolent institutions. My desire is simply to establish the fact, that our medical charities are not adapted to the present condition of society; that whilst doing a vast amount of good, they are also doing a large amount of mischief by teaching the working man improvidence; that they unduly call upon the benevolence of the generous, and thereby spare the pockets of that very large class of the churlish opulent, who "give nothing;" that a large number of persons are permitted to share their benefits who are as well able to pay for relief as the governors of the charities themselves; that the medical profession is thereby robbed to an enormous extent; and that the plain and simple cure for these evils is the converting of our hospitals and dispensaries into Provident Medical Institutions.

The Work of the Metropolitan Medical Officers of Health—their Success and their Difficulties. By EDWARD BALLARD, M.D. (Londin.), M.R.C.P., *Medical Officer of Health and Food-Analyst for Islington, Vice-President of the Metropolitan Association of Medical Officers of Health, &c.*

IT has been thought, and no doubt with good reason, that the conjoint assemblage of the Association for the Promotion of Social Science and of the Congrès International de Bienfaisance, in London, is an occasion on which a body of gentlemen whose specific duty it has been for some years past to watch over the sanitary condition of this mighty metropolis ought, if it were only as an expression of respect to their fellow-workers, to submit to them some statement of their labours, of their successes, and of their difficulties. Of their labours, that it may appear, however obscurely, what they have done and are daily doing in the interests of the public health; of their successes, that they and others with them may be encouraged; and of their difficulties, that those who have the power and the wish to assist them may see in what direction assistance is chiefly needed. As one of that body I have been called upon to perform this task; and although I cannot but be conscious that it might have been entrusted to much more able hands, let me hope that at any rate the effort to accomplish it will be regarded indulgently by the Association.

The Medical Officers of Health are, under the provisions of the Metropolis Local Management Act, the professional advisers of the Vestries and Local Boards by which the several parishes and districts of the metropolis are governed for purposes of local improvement. It is the business of each of these officers to watch the variations of public health in his district, deriving information from all public and private sources which may be open to him; to report these variations from time to time to the board with which he is associated; to initiate, by way of recommendation, whatever proceedings may appear necessary for the preservation of the public health and for the arrest of epidemics which may already have broken out, and the warding off of such as may be threatened. Other duties are also placed upon him which I shall probably allude to in the sequel.

Disease and death, paradoxical as it may sound, are the measure of public health. But the Act of Parliament which required that the Medical Officers of Health should report to their several Local Boards upon the health of their districts, made no corresponding provision by which the existence of disease or mortality exceeding the average might be made known to them. Returns of sickness there were none, and although a weekly return of mortality in each district was printed in the papers issuing from the General Register Office, yet this was but a statement of totals, and did not specify the parts of each district where the greatest mortality was at any time occurring. In their perplexity, the Registrar-General kindly came to

their aid, and supplied them, every Wednesday, with the schedules sent to his office on the previous Monday by the several district registrars of births and deaths. In these schedules are specified the place where each death in the antecedent week has occurred, the sex, age, and occupation of the deceased person, and the presumed cause of death. But still it was evident that there might be a great deal of sickness before the final result showed itself in these mortuary registers, and, in order to become acquainted with its presence and locality, the health officers have had recourse to the admission books of the several hospitals and dispensaries, and to those books which the medical officers of workhouses, as well as those who attend to the professional wants of out-door paupers, are required to keep. For access to these sources of information they have again taken advantage of the courtesy of the medical officers of these several institutions, and of the unions, and have sought and for the most part obtained, the cordial co-operation of the several Boards of Guardians. In addition to this, they have endeavoured to arrive at the state of health of the upper classes of the community, by cultivating friendly relations with neighbouring practitioners.

The mode in which all this information is utilised may be illustrated by my own method of proceeding in Islington, which, I believe, does not differ very greatly from that of other health officers in other parishes. On receiving the mortuary schedules, I take out from them a list of houses where deaths from zymotic diseases of an epidemic character have occurred, and these houses are visited either by the Inspector of Nuisances, or by myself, and the conditions of drainage, ventilation, water supply, crowding, &c., are noted down upon a form provided for the purpose: corresponding to this is another form on which I enter the recommendation for improvements that it is necessary should be carried out. The same thing is done in respect of houses where cases of epidemic sickness are ascertained to be existent. And as these deaths and cases of illness could not possibly be all attended to, those houses are preferred for immediate inquiry which are situated in the poorest localities, or where the diseases referred to are manifesting a disposition to spread. These recommendations are laid before a committee of the vestry, which sanctions the issue of the requisite orders. Thus much for immediate action. But, in addition, I keep a list of all the streets, courts, and alleys in my parish, on which every week I enter the particular house in which a death has occurred, specifying the character of the disease, whether it is of a child or adult, and also record the occurrence of a death from certain specific diseases. Where two deaths are thus found to occur in any house within the year, that house is put upon the list for inspection, and, at the close of the year, a list of streets is made out in which the mortality has been the highest, and especially in which the infant deaths have been most numerous, and these streets are inspected house by house in the course of the next year. Dividing my parish also into minor districts, I am enabled by the aid of my

street list to ascertain what neighbourhoods have especially suffered during the year, and to these again my own attention and that of the inspector is particularly directed in the succeeding year. In this way, a system has been brought into operation which works well and readily. Similar methodical arrangements are, I believe, adopted by my fellow labourers, we merely differ in matters of detail.

I have said that the recommendations of the Medical Officers of Health form the basis of action in respect of house improvements on the part of the representative Vestries, and District Boards of Works. It will interest the Association to hear some account of what has been effected in this way during the first five years in which this sanitary work has been proceeding. I have not the data for furnishing this account for the whole metropolis, but the work carried out in the following districts will enable the Association to form a tolerable idea of what the number would have amounted to had the table included the whole of London, during the whole of the period alluded to. The imperfection of the table arises from causes beyond my control. The facts it summarises are derived from such of the Annual Reports of the Medical Officers of Health as I have been able to obtain, and from special returns obtained for the purposes of this paper.

Here then we have in sixteen districts only (not half of the metropolis) 25,410 cesspools abolished, and 65,826 houses newly drained or their drainage amended. In fifteen districts only, out of the whole metropolis, 34,179 privies amended, mostly by their conversion into water-closets, and 5,395 houses supplied with water for domestic purposes, which, for the most part, never had any previously. In fourteen districts only, out of the whole metropolis, 14,490 yards improved by paving, drainage, or lime-whiting, and 13,926 residences of the poor, at least, cleansed and lime-washed. Let us pass over for the moment every other improvement, and estimate merely the cesspools abolished throughout the metropolitan area at twice the number stated above, (an estimate which less perfect returns in my possession lead me to believe to be far below the truth,) there has been cleared away from the midst of us a mass of putrescent filth which would cover an area of more than ten acres, of several feet in depth, calculating the 50,920 cesspools at only a square yard in superficial extent; and this filth has been for years lying at our very doors, and its emanations have been entering our houses, and instilling poison into the atmosphere we have been working in by day, and sleeping in by night.

But when they consider the other house amendments effected, the strict watch which the health officers have endeavoured to keep over the crowding of tenements, and the occupation of cellars and kitchens as sleeping-rooms, the Association will be able to form some imperfect idea of the work accomplished in purifying the habitations of the people, especially of the labouring classes, in London.

In addition to all this, however, much more has been accomplished,

District or Parish.	Number of years of which the work is summarised.	Number of houses inspected.	Stable-dwellings inspected.	Estimated length of new sewers constructed, in feet.	Cesspools emptied and filled up.	Cesspools emptied, cleansed, and disinfected.	Houses drained into sewer, or drainage amended	New water-closets constructed and privies amended, mostly by conversion into water-closets.	Courts, yards, and cellars paved, cleansed, limewashed, or amended.	Dust-bins erected, covered, or amended.	Houses supplied with water, hitherto unsupplied, or supply increased.	Houses cleansed or limewashed.	Overcrowding of tenements abated, or cellars and kitchens disused as sleeping-rooms.	Ventilation of houses carried out.
St. Marylebone	5	9,286	1,489	19,331	2,944	...	11,995	4,731	3,991	450	1,161	1,950	...	89
St. George's, Hanover Square	5	...	...	...	numerous	...	2,001	1,075	265	960	75	622	56	48
Islington	5	8,554	3	55,172	2,720	18	6,366	3,802	2,539	3,524	1,055	1,244	40	266
Whitechapel	5	10,017	...	14,050	3,450	2,946	4,683	3,738	1,388	2,126	97	2,836	62	27
St. Luke's	5	4,212	...	...	1,212	...	1,420	1,589	1,080	681	110	883	...	...
Holborn	5	3,651	136	8,673	411	...	1,127	960	318	72	47	498	...	114
St. Pancras.....	5	11,400	600	...	1,605	...	5,878	2,765	823	1,027	98	833	19	118
Chelsea	5	...	...	5,014	1,450	...	569	numerous	152	...	181	363	...	81
St. James', Westmr.	5	2,500	470	...	174	...	938	1,255	221	552	166	918	78	27
St. Martin-in-Fields	5	1,285	...	1,701	61	...	numerous	314	numerous	...	...	889	...	...
Bethnal Green	5	4,822	...	60,643	3,197	561	8,357	3,334	1,044	...	34	56	1	...
Hackney	5	no record	...	87,059	2,952	1,275	4,041	3,184	541	...	318	706	...	...
Strand	5	...	...	...	287	...	1,373	2,032	258	303	87	1,678	274	281
Limehouse	5	...	...	27,007	2,047	...	11,476	numerous	numerous	...	numerous	numerous	...	...
St. Mary's, Newingtn.	5	4,607	65	22,774	938	685	1,605	434	numerous	numerous	numerous	numerous	...	...
St. Olave's, Southwk.	5	3,896	...	...	462	...	1,937	1,598	1,500	605	506	450	...	88
Greenwich	5	14,000	...	4,959	1,500	3,560	2,060	3,368	870	76	1,460	numerous	...	...
Totals	...	...	...	...	25,410	...	65,826	34,179	14,490	...	5,895	13,926	...	...

and still more striven after, under all sorts of difficulties, by the Medical Officers of Health. Some of this other work must be cursorily glanced at.

On the removal of Smithfield Cattle Market to Islington, commenced a system of licensing private slaughter-houses, and as a power of opposing the granting of any licence was given to local authorities, the setting of these places in order became a duty of the health officers. Every slaughter-house in London was visited, and has been regularly inspected ever since, provisions for decency, cleanliness, drainage, and ventilation, being in each case strictly demanded, and the requirements of the law as to the erection of new slaughter-houses in the neighbourhood of dwelling houses regularly brought under the notice of the justices in quarter sessions. However imperfectly these requirements have been in many cases enforced, I believe that there is now no instance to be found where slaughtering is carried on in any part of the dwelling houses themselves.

Although there is at present no specific enactment relating to cow-sheds, the health officers could not overlook the injury which the wretched mode of keeping cows in London was inflicting upon the public health, and in all parts efforts have been made, by private expostulation with cow-keepers, and by enforcing the provision of the Nuisances Removal Act (so far as it could be brought to apply to such cases) to bring these places into a somewhat better condition, and thus to abate some of the damage they were doing, both by poisoning the atmosphere, creating depôts of diseased cattle, and by purveying unwholesome milk to children and to the sick.

The food of the people also has not been neglected. Regular inspections of food as exposed for sale in butchers' shops, greengrocers' shops, in the markets and on stalls in the street, have been made; large quantities of unwholesome food have been confiscated, and the sellers frequently fined on application to the magistrates at the police courts. In some instances, more scientific inquiries have been made, for the detection, for example, of adulterations in bread; and if at the present time much unwholesome food is still sold, yet the knowledge that the Medical Officers of Health are on the alert serves, I have reason to know, as a most salutary check upon all those nefarious practices. It was hoped that the hands of the health officers would have been strengthened by the passing of the Act for Preventing Adulterations in Food and Drink, but, being a merely permissive Act, and constituting the buyer the informer and prosecutor, it has never been anything but a dead letter.

I must stop, however, in my enumeration of work done, merely referring to a branch of inquiry which demanded on the part of the Medical Officers of Health the entering upon studies quite new to most of them, but about which they set themselves with energy. I allude to the suppression of trade nuisances, placed by the Nuisances Removal Act specially in their hands. In some parts of London, as at Bow, Bermondsey, and within my own parish of Islington, there

were colonies of manufacturers, from whose establishments the most horrible stenches daily proceeded without the most trifling effort being made at their suppression. In many instances it was clear that manufacturers were thus throwing away valuable trade products which it would have been to their advantage to collect, in others this was less apparent, in all it was evident that public comfort demanded that something should be done. And much has been done; first, by vindicating the authority of the law; and then, by pointing out quietly to the manufacturers the loss they were incurring, and by suggesting to them and contriving with them methods of abating the annoyance they created. Let me allude to a single instance in my own experience out of very many I could adduce. There is in my parish, at Belle Isle, a congregation of varnish factories, the fumes from which annoyed the inhabitants at a distance of a mile or more from the works. As I write, there is at King's Cross daily in full work one of these very manufacturers, the nature of whose trade could not even be guessed at, except by the inscription over the gateway, although the workshops are closely hemmed in by densely populated houses.

But to all this it may be said *cui bono?* Is public health improved by all this drainage, house cleaning and inspection? Has it improved? The only satisfactory reply to this question would be by reference to the statistics of disease and mortality, comparing a period prior to the improvements with a period subsequent to the improvements. Thus, taking the census year of 1851, making it the central year of three or five, 1849, 1850, 1851, 1852, 1853, we might compare the death rate of three years with that of 1859, 1860, 1861, 1862, 1863, having the census year 1861 as the centre; the population of London in 1851 and 1861 being known. It is clear that this comparison cannot be at present made. But although debarred from this, we are not without an answer which will at any rate serve to indicate the kind of result we shall obtain. I will quote then from the last summary of the weekly return of births and deaths in London issued by the Registrar-General. He writes thus: "In the ten years 1840-9 the mean rate of mortality in London was 2·51 per cent., in the subsequent decennium 1850-9 it fell to 2·36 per cent. It is still more satisfactory to observe that the rate of mortality in each of the last three years, 1859-61, has been less than the lower of the two rates that have just been mentioned. In 1860 the rate was 2·26; in 1861 it was 2·32. If the mortality of London were confined permanently within the limit represented by the mean rate of the last three years, the effect of that reduction, in the population as it exists at present, would be, that more than 4000 persons would survive annually, whose lives would drop under the mean rate derived from the twenty years 1840-59. And if the measures that have been already adopted are not relaxed, the amount of benefit will be increased, as the population that is the subject of it is increased." Let it be recollected that the metropolitan Medical Officers of Health commenced their labours in 1856.

There are other indications little less significant and valuable as specimens of the good which shows itself in single districts and special localities. I might quote extensively now from the Annual Reports of the health officers, but my space warns me to be brief. I will content myself with two or three facts. Dr. Tripe, writing about the death rate in three streets in Hackney, adds: "in 1858, when the drainage was fair, (*i.e.* by a small private sewer,) there were thirteen deaths; in 1859, when the drainage was bad, twenty-five deaths; in 1860, when the drainage was again good, there were fourteen deaths. In 1858 there was not any death from fever, in 1859 there were five deaths, and in 1860 only one death." This extract tells us more however, viz., the absolute necessity for continued supervision: a neglected district soon falls back into its original condition.

Another—in the autumn of 1857 cholera was ravaging the shores of the Baltic and had arrived at Hamburgh. Suddenly it appeared in a row of sixteen cottages at West Ham, and thirteen persons were attacked, of whom seven died. The health officer of the district, Dr. Elliot, and with him several of the metropolitan Medical Officers of Health, immediately visited the spot, and from the inquiries they instituted, they ascertained that the pump by which these houses were supplied with water was contaminated by sewage; and that the use of this water was concerned in the outbreak. The water was analysed by Dr. R. D. Thomson, the use of the pump interdicted, the handle removed, and the spread of the disease arrested. With our experience of the damage done by the Broad Street Well in 1854, we may now contemplate at leisure what might have been anticipated had no officer with a sanitary education been at hand to check the budding epidemic. Cholera is self-propagating.

Another—it shall be the last. In 1859 smallpox began to assume an epidemic character, and in the early months of 1860 the mortality from this disease became serious. Throughout London the Medical Officers of Health drew the attention of their Vestries to this fact, and by the issue of public notices, urging immediate vaccination upon the unvaccinated and revaccination upon those vaccinated in infancy, endeavoured to place their populations in the most favourable position to resist the diffused poison. They visited the charitable schools in their districts, examining the arm of every child present, to ascertain its amount of protection, and took measures to procure the vaccination of each individual respecting whose safety they were not assured. These efforts and their results are thus referred to by Dr. Seaton in his report upon the subject to the Privy Council. "In several districts as soon as these notices were issued the houses of the large public vaccinators were fairly besieged by applicants for vaccination, and many of them found their weekly average of primary vaccinations suddenly rise to triple or quadruple its usual amount. Families of unvaccinated children were brought up for protection, and very many adults received the benefit of vaccination for the first time; very many also, doubtful of the

sufficiency of the vaccination they had received, made sure by re-vaccination. As to the examination of the children, he writes thus: "The extent to which this examination was carried varied in the different unions; but it was carried to a large extent in all of them, and in the great majority was effected in a very complete manner indeed by the Medical Officers of Health, with a zeal and assiduity of which I cannot too highly express my admiration. Forty thousand children were examined in a very short space of time (compared with the magnitude of the work and the number of the workers). . ." Infected localities were also visited by the health officers and their assistants, and often, house after house, every adult and child was examined as to their protection, and in some districts (in my own at Islington it was so) private practitioners were induced to send confidential returns of cases, as they occurred, to the health officer. And now for the effect of all this. "As these measures were not commenced anywhere until January, and in some unions not till past the middle of that month, and as they required some weeks fully to carry them out, it is obvious (writes Dr. Seaton) that they could not affect appreciably the mortality of January, and that many deaths recorded in February, and even in March, would be in persons infected before the repressive measures had fully been brought to bear." That the mortality was checked by them cannot be, however, disputed by any one who will study the tables furnished by Dr. Seaton. In the quarter ending December 31st, 1859, the deaths from smallpox (omitting those in the Smallpox Hospital) amounted to 367, in January 1860 they amounted to 129, in February to 136, and in March to 144; in April, however, they fell to 78, and in May to 57. The records of the Smallpox Hospital show that the mortality fell mainly upon the unvaccinated. In my own parish of Islington the cases that I obtained information of were as follows—my school inspection being made in January, and the house to house examinations of infected localities in February and March;—December, 1859, 13 cases; January, 1860, 44 cases; February, 23; March, 38; April, 20; May, 16; June, 1 case.

And here I would close my communication, but that I feel that all opinions expressed in this Association might have weight with the Legislature at any time when measures may be in progress for strengthening the hands of the Medical Officers of Health in the execution of their mission. The Nuisances Removal Act is that under which it is most convenient that they should for the most part take their proceedings; it furnishes a summary jurisdiction, a matter of the first importance where time ought not to be lost in the abatement of conditions injurious to public health. My remarks then will apply to this Act alone, and to some omissions which my experience as a health officer has led me to deplore.

Some time ago a family occupying two small rooms communicating by a doorway was attacked by scarlet fever, and one of the children died. The registrar communicated to me the intelligence that it was not the intention of the parents to bury the body for

several days after registration, but that the dead child lay in the room where the remaining members of the family lived and slept. I had no power to interfere. In another case, a mother lived with several children in a small back room in the same street, one of the poorest in my parish, with a high death-rate; she was seized with fever and died. Her friends residing in another part of London could not bury her until they had scraped together sufficient funds for the purpose, and refused to allow of her burial at the parish expense. In the meantime the orphan children occupied the same close room as their dead parent. In another portion of Islington is an unconsecrated burial ground, in which exhumations were at one time constantly proceeding, to the great annoyance of the neighbours, the bodies when exhumed being carried to and sometimes retained for a day or longer in a private house within the ground. I found no power by which I could interfere in any of these instances. A dead body on the premises, although by its presence likely to promote disease, was not a "nuisance" within the meaning of the Nuisances Removal Act. To the list of nuisances in section 8 should be added "any dead body which is a nuisance or injurious to health." Authorities should also be required to provide a place where dead bodies may be deposited between the periods of death and interment, and to which bodies should be conveyed by the direction of the Medical Officers of Health, or by the order of the magistrate. Section 13 of the same Act provides that if any nuisance "be proved to be such as to render a house or building, in the judgment of the justices, unfit for human habitation, they may prohibit the using thereof for that purpose until it is rendered fit for that purpose in the judgment of the justices, &c." In one instance, where a whole family was prostrated, one member after another, by fever, from dwelling in a room over a filthy stable, I applied to the magistrate to put this section into force. He met me with the objection that the law gave him no power to turn the people out of the room. I very much question the correctness of this decision, but still it has hampered me very seriously in many instances; and as at least one magistrate has considered that it was not in his power to make the order referred to, it ought to appear on the face of the section that the owner shall be required by the order of the justice to remove any persons inhabiting the room or house at the time the order is given, or that the occupants themselves shall be punishable for continuing in opposition to the magistrate's order.

The 29th section of the Act relates to the "overcrowding" of dwelling houses; and each health officer who certifies to overcrowding under the Act is left to erect his own standard by which to judge of this condition. Those who know anything of the houses of the poor and of the requirements of health as to breathing space will admit that, for the abatement of all overcrowding injurious to health, it would be requisite to erect as many more habitations for the poor as are at present met with. To enforce the proper amount of breathing space then is impracticable as things now are; the

law can only be put in force for the punishment of extreme overcrowding. Let this be fully recognised, and then some arbitrary standard of cubic space might be fixed as the smallest allowance for each individual where families live in single rooms. Practically, a fair minimum allowance appears to be 300 or 350 cubic feet. On this estimate I have successfully carried out numerous prosecutions for overcrowding. There is, however, another omission in the section which I would be glad to see rectified. The law on overcrowding only refers to houses occupied by more than one family. There are in my parish, and I doubt not in others also, numerous houses, not including stable-dwellings, consisting of a single room, and this only occupied by one family. The law applies to houses with two rooms, although only one of the rooms may be overcrowded or even occupied at all. The overcrowding of the miserable hovels I now refer to often far exceeds what is met with in houses with several rooms; but here we are powerless.

There are other matters to which I should like very much to draw the attention of the Association, such as the provisions of the Act in respect of entry upon premises for the discovery of nuisances, and for superintending the work in progress for abatement; as well as matters relating to the regulation of offensive trades and manufactures, &c., but I simply wish to show that, however useful this Act of Parliament is, (and I do not deny its efficiency in most instances,) it is nevertheless capable of great improvement, of amendments which the health officers of the metropolis would be glad to see made.

PUBLIC HEALTH.

President.

WILLIAM FAIRBAIRN, ESQ., LL.D., F.R.S.

Vice-Presidents.

WILLIAM FARR, ESQ., M.D., F.R.S. | JOHN SIMON, ESQ., F.R.S.
THOMAS WATSON, ESQ., M.D., F.R.S., PRESIDENT OF THE ROYAL COLLEGE OF PHYSICIANS.

Secretaries.

EDWIN LANKESTER, ESQ., M.D., F.R.S. | G. MILROY, ESQ., M.D.
W. O. MARKHAM, ESQ., M.D. | R. RAWLINSON, ESQ., C.E.

This Department considers the various questions relating to the Public Health; it will collect statistical evidence of the relative healthiness of different localities, of different industrial occupations, and generally of the influence of external circumstances in the production of health or disease; it will discuss improvements in house-construction, (more especially as to the dwellings of the labouring classes,) in drainage, warming, ventilation: public baths and wash-houses; adulteration of food and its effects; the functions of Government in relation to public health; the legislative and administrative machinery expedient for its preservation; sanitary police, quarantine, &c.; poverty in relation to disease; and the effect of unhealthiness on the prosperity of places and nations.

SUMMARY OF PROCEEDINGS.

In addition to the papers printed in the foregoing pages, the following were read in the Department:—

"On Quarantine as a Means of Preventing the Spread of Infectious Diseases." By Alexander Bryson.

"On the Prevention of Disease, and the Mitigation of its Fatality." By Horace Dobell, M.D.

"Excessive Infant Mortality." By M. A. Baines.

"Observations on the Employment in the Arts of Scheele's Green or Arsenite of Copper, and other Metallic Pigments." By Arthur Hill Hassall, M.D.

"The Sale of Poisons, and the Prevention of Accidental Poisoning." By Ernest Hart.

"On the Sanitary Uses of Charcoal." By John Stenhouse, LLD., F.R.S.

"On the Influence of Amusement on the Public Health." By Edward Haughton, M.D.

"Gas, its Effects upon Health, and the Results of Gas Legislation." By C. J. B. Aldis, M.D.

"Noxious Vapours." By T. Symes Prideaux.

"Ventilation." By Sir Joshua Jebb, K.C.B.

"On the Comparative Hygienic Arrangements of the French and English Hospitals." By Arthur E. Durham.

"On the condition of the Pauper Insane." By John Millar.

"The Duties of Health Officers." By Henry Letheby, M.D.

"Ancient Water Conduits and Modern Drinking Fountains of London." By Benjamin Scott, F.R.A.S., City Chamberlain.

"The Proper Clothing of the Foot—the First Step in Physical and Mental Training." By James Dowie.

"On the Dangers, from Sanitary Defaults, to Travellers in Search of Health." By William Bullar, M.D.

"Obstacles to Sanitary Progress" By Mrs. Fison.

"Standard Medicines, or Revision of Remedial Agents." By Henry W. Acland, M.D., F.R.S.

DISCUSSION ON SANITARY STATISTICS.

An evening meeting was held at Burlington House, on Thursday, June 12th, to consider the subject of Sanitary Statistics. Professor Lee, of New York, presided.

Mr. Chadwick said, it would be remembered that some time since there was a meeting of the International Statistical Congress, which was attended by a large number of distinguished gentlemen from all parts of the kingdom, and, after much discussion, certain heads of statistics were agreed to on those subjects which were thought to be of the greatest importance. He did not know what had been done with those conclusions abroad, but in England nothing had been done with them at all. One of the chief headings was that of the preventable diseases amongst the English community. Although the statistics on that head had not been properly collected, he could give some information as far as regarded the metropolis. The average age at which death had taken place amongst the gentry was forty-four years, the small tradesmen twenty-five years, and the labourers twenty-two years. These included the children. In the adults

the ages were:—gentry, sixty years, tradesmen, fifty-one, and labourers, forty-nine years. The ratio at which the deaths of children had taken place in one year was, gentry, one in 4½, the tradesmen, one in 2½, and every half of the children in the labouring classes died in the first year in some districts. He had prepared the following resolution which he would read to the meeting:—"That the Council be requested to consider the expediency of promoting the practical adoption of the measures examined and prepared by the late International Statistical Congress for the regular issue of sanitary statistics under the uniform heads then agreed to, especially those heads of statistics displaying the bearing of the chief causes of preventable mortality upon the 'wage' classes, as well as upon the other classes of society, more particularly in those districts or blocks of habitations where new works of house drainage and sanitary improvement have been executed." He might mention that he knew of new sanitary works being carried out in a number of towns, but it was not known what was the result of having them so carried out. In Croydon and other places he had made inquiries, and could only gather the effect on the health of the inhabitants from the various local medical men. Where such works had been carried out, there had been great improvement in the health of the inhabitants, both as regarded fever and other ailments. With regard to the money laid out for public sanitary works—amounting to some millions per annum—the Government took no pains to ascertain what was the result of those works upon the health of the people. If those works had failed in any respect in effecting any contemplated sanitary improvement, a proper or regular statistical return would have shown such failure, and have acted as a guide in making any future outlay. In conclusion, he thought the Council of the Association should take some steps in the matter in order to have the recommendation of the International Statistical Congress carried out.

Dr. Farr said that he entirely concurred in the resolution which had been proposed so ably by Mr. Chadwick, and he thought they could not do better than agree to it, as, by doing so, they would adopt and carry into effect that conclusion which was come to, at the Congress, by some of the most eminent statists in the country.

After a very short discussion, the resolution, was put and unanimously adopted.

Dr. Farr said he had been connected with a commission for examining into the sanitary state of the British army, and a report had been drawn up by the commissioners. Formerly, the rate of mortality in the British army was very great, but by reason of the inquiries which had been made, and the circumstances brought to light, the health of the army had very much improved; and he hoped that, before long, it would be in a very satisfactory condition. Dr. Farr then exhibited and explained some diagrams showing the rate of mortality in the various mining districts, and said that now that we had got a complete statement of the mortality among our troops, we should obtain statistics of the diseases and health of the civil portion of the community. At Aldershott Camp, with 15,000 men, the number sick on one day was 800, but that number varied from 800 to 2,000 or 3,000, according to different circumstances, and those circumstances should be determined in such a way that if the causes were preventable they should be at once removed. Amongst the various ailments of the soldiers, a large number were attacked with a description of opthalmia, but upon the circumstances surrounding the cases being investigated, certain causes were found which were removed. It was similar in the navy; diseases had broken out, their causes were considered remedial, and those causes were removed. He asked them if sanitary statistics had been found to be so useful in the army and navy, why they should not be deemed of the same amount of usefulness to the general population? He thought they would have no hesitation in saying that if they had been at the expense of preparing the statistics for the army and navy, it was of equal importance that those statistics should be gathered for the benefit of the working classes by whom all our large public works were carried out. He hoped they were satisfied that the statistical information would be of the greatest possible use to the general community, and he felt assured that that information would be of great use to the medical profession.

Mr. Chadwick thought that it was of the utmost importance that the Government should give a regular return of the sickness as well as of the deaths. For

instance, they wanted to know the number of cases of smallpox, and how many had been vaccinated.

Dr. MARKHAM said the object was to discover what were the preventable diseases, and he should like to hear from Dr. Farr, or any other gentlemen, whether those causes which would appear by regular statistical returns, were removable.

Mr. HOLLAND said he considered that sanitary statistics were the very basis of sanitary science, and without them the science was simply an empirical knowledge. Dr. Farr and Mr. Edwin Chadwick were most prominent in obtaining the system of registration of deaths, and they were very fortunate to have heard the opinions of those eminent gentlemen. With regard to the proper collection of statistics, much good had been effected in those places where the progress of sanitary works had been recorded. In those cases where drainage works or water supply had been carried out, such improvements were found to have resulted in the saving of a multitude of lives. The value of obtaining these statistics had been shown in the improvement in the health of the British soldier, for wherever anything wrong was found by those statistics to exist, the causes were inquired into and removed. In many cases those statistics had shown that a large number of lives had been sacrificed by diseases the causes of which were preventable. They had heard that in the working classes there were 40,000 deaths from diseases of the lungs, &c., the causes of which were removable, and in addition to the number of deaths, there was a very large amount of sickness and suffering that might be prevented.

Mr. CHADWICK thought, with regard to the obtaining of statistics, that there was one very large class who would be most useful in carrying it out, and they were the parochial medical officers; those gentlemen could make out quarterly reports of the cases under their care, with the number of deaths; of cases of sickness and the mode of treatment which they had adopted; and what he suggested was, that those gentlemen should receive some proper recompense for the performance of these additional duties. He also thought that another source from which they might obtain some valuable statistics was the medical officers connected with large public institutions. The statistics as to sickness and the mode of treatment, from this source, he thought would be of the greatest value. The officers of prisons would also supply some valuable information as to the treatment and prevention of disease. He knew of many cases where statistics as to the treatment of diseases had been given, and the mode discussed, and the result had been a great diminution in the number of fatal, or serious cases. He then proceeded to condemn the manner in which votes for comparatively small sums for sanitary works were opposed, and expressed a confident opinion that in laying out a considerable sum of money in sanitary improvements would lie the means of effecting a great saving. The laying out of a sum of £3000 say in carrying out a proper system of ventilation would effect a saving of £2000 a year in perpetuity. With regard to the army, some of the officers attributed the large mortality among the Guards to the night duty; but if they had gone into the rooms where the men were sleeping they would have found that they were sleeping in poisonous atmospheres, which was more injurious to them than all their duty. The night duty of the Guards was not more than that of the police, and the mortality in that class was very small as compared with that of the Guards. The same excuse was made in the French army, and the men said they would be better in prisons than in their barracks; for the death-rate in the former was considerably below that in the latter. He thought all these things clearly proved the vital importance of having a full and proper statistical return of the mortality in different classes of cases of sickness and modes of treatment adopted.

Dr. FARR then moved the following resolution: "That measures should be adopted for obtaining the same information respecting the civil population as is now obtained respecting the diseases of the army and navy, and that the Council of the Association be requested to bring this Resolution under the notice of the Colleges of Physicians and Surgeons, as well as of Her Majesty's Government."

Dr. MILROY seconded the resolution, and in doing so said, that all the observations of the speakers went to show, with great force, that a large amount of benefit would result to the civil portion of the population from the same means being

afforded for obtaining sanitary statistics as was afforded to the army and navy. He agreed with Mr. Chadwick that there would be great value from an organization of the poor-law medical officers.

The resolution was then put and carried.

DISCUSSION ON THE EFFECTS OF OCCUPATION ON HEALTH.

An evening meeting, for the consideration of this subject, was held at Burlington House, on the evening of Tuesday, June 10th, Mr. John Simon, Medical Officer of Health to the Privy Council, occupied the chair.

The CHAIRMAN, in opening the proceedings, said that they had met for the purpose of having brought under their notice the disproportionate prevalence of a certain class of disease amongst persons engaged in particular occupations, and to consider how the pursuit of those occupations developed the disease. The subject was one of the greatest importance, and as Dr. Greenhow had paid great attention to it, he would call upon that gentleman to state some of the results of his observations.

Dr. GREENHOW said, that the subject to be brought under discussion was one of great interest in a community where manufactures have attained a development elsewhere unknown, where the greatest diversity of occupation exists, and where, either directly or indirectly, as employers or employed, almost every one is personally interested in the effects of occupation on health. The terms in which the question was announced as the business of the evening were so comprehensive, that it might, without impropriety, be made to include the influence of vapours and other products of manufacturing operations on the health of the surrounding population, or the injury to the health and lives of young children, caused by the withdrawal of women from their natural sphere of domestic duties, in order to their employment in various industrial occupations. He would, however, presume that it was the design of those who drew up the programme that only the more direct effects on the health of those actually engaged in industrial occupations should form the subject of the evening's debate, and even so the question was too large to be exhausted in a single discussion. It would be impossible to dilate on all the various modes in which occupations are directly injurious to health; such as the effects of undue pressure on certain parts of the body, causing deformity and disease, as in the case of shoemakers, who frequently suffer from derangement of the digestive organs, consequent on the pressure of the last against the pit of the stomach; or such ast he influences of the inhalation of certain noxious vapours, as in the case of lucifer-match makers, whose jaw-bones often rot away from exposure to the fumes of phosphorus; or of poisonous dust, as in the case of persons employed in colouring wall papers, or other articles, with pigment containing arsenic. Neither would it be possible to dwell on the mischiefs resulting to painters, plumbers, filecutters, earthenware dippers, glass-cutters, and manufacturers of red and white lead, from the poisonous effects of lead used in their various occupations; nor on the sufferings of individual operatives, working independently, such as chaff-cutters, stone-hewers, mattress-makers, and others, from breathing an atmosphere charged with dust. He (Dr. Greenhow) would therefore confine his observations to one class of diseases, and that the most widely spread and fatal among all classes of operatives, and also the one most frequently arising from causes over which the sufferers have no control, and from which, therefore, it was peculiarly desirable that they should be protected. With a view to this purpose, and also to give the debate a definite object, and thus maintain the prestige which the Public Health Section of the Association has especially gained, of aiming at practical results, he begged before entering into details, to propose the following resolution:—

"That in the opinion of this Meeting, the principle of regulating labour already adopted by the Legislature in certain mines and factories, should be extended to other kinds of industrial employment where several persons are employed in the same factory or workplace, with the special purpose of endeavouring, as far as possible, to obviate conditions dangerous to the health or safety of the employed;

and that the Council of the Association be requested to consider whether it can, with propriety and advantage, represent the importance of the subject to the Legislature."

In speaking to the resolution, he should first explain the extent of the evils arising from the class of diseases to which he had referred, viz., diseases of the lungs, and which in his opinion fully justified its adoption; and secondly, state why it seemed to him that the Legislature, without acting on any new principle, or making any encroachment on the dearly prized liberty of the subject, might, with perfect propriety, follow the course suggested.

First, therefore, as to the extent of the evil. Its magnitude was such that a severe epidemic of cholera every alternate year would scarcely involve greater loss of life. Diseases of the lungs of all kinds, including consumption, caused on an average nearly 100,000 deaths in England and Wales during each of the 9 years 1847-55. This mortality was largely contingent on circumstances connected with the occupations of the people, although not entirely so, and it was probably on this latter account that the industrial causes of these diseases, which are in great measure preventable, had not received, either from the public or from employers of labour, the attention due to the importance of the subject. The relation between these diseases and the occupations of the people was shown by the uneven distribution of the mortality occasioned by them throughout the country. There were a few districts in which only 3 out of each 1000 of the living population annually died from pulmonary diseases. There were other districts in which the population died at the annual rates of 8, 9, and even as high as 10 in the 1000. In the former class of districts the people were chiefly employed in healthful open-air occupations, in the latter a considerable proportion of the population were engaged in mining or manufacturing labour. There was one large and compact district in this country, comprising an area of 1,256 square miles, and containing a population of 56,000 persons, in which the rate of mortality from pulmonary diseases, on an average of nine years, scarcely amounted to even the low rate already mentioned of 3 in the 1000; and this may therefore be regarded as the normal rate of mortality from this class of diseases in the United Kingdom. If the mortality throughout England and Wales could be reduced to this standard, there would be an annual saving of more than 45,000 lives. But even if this should be regarded as a degree of improvement practically unattainable, let it be supposed that, by the adoption of proper precautions, the lives of 30,000 or even 15,000 persons, now annually dying of pulmonary diseases, could be saved, as he was fully convinced might be the case, what an infinite amount of good would be accomplished, and what an incalculable amount of human suffering would be averted! Sufferings, not only from physical pain and premature death in the case of those who perish, but the sufferings of bereaved families and friends, of the widows and fatherless left destitute by the loss of him on whom they depended for support. But it might be asked, how this mortality could be clearly shown to be dependent on the occupations of the people? First of all, by means of general statistics; and secondly, by means of specific facts, which he (Dr. Greenhow) had carefully collected during personal investigations in some of the chief mining and manufacturing districts in the country. Statistics proved, as he had already stated, that the mortality from pulmonary diseases, was very unequal in different districts, but they moreover showed it to be very unevenly distributed even among different sections of the population in the same districts, as for example in some of the lead mining districts, in which the men die at nearly twice the rate of the women. In Alston, a lead mining district in Cumberland, taking the sexes separately, it was found that whilst the men died annually at the rate of 14, the women died only at the rate of 7 in the 1000 from this class of diseases. At Reeth, a lead mining district in Yorkshire, the rate of mortality among the men being 12, that among the women was only 7 in the 1000. At Redruth, a copper and tin mining district in Cornwall, whilst the men died at the rate of nearly 10, the women died at the rate of less than 5 in the 1000 annually. These were all districts in which men alone were employed in the mines. On the other hand, where females were largely engaged in the special industry of the district, the rate of female mortality was sometimes found to be higher than that among the male population, as at Leek, a silk manufacturing district in Staffordshire, where the females died at the annual rate of more than 7, and the males at considerably less

than 6 in the 1000; and at Macclesfield, another silk district, where the rate among females being 8, that among males was less than 7 per 1000. Examples such as the above might easily be multiplied, and in reference to the silk-making districts, it must be remembered that the discrepancy between the rates of mortality in the two sexes was diminished by the fact, that the men were also exposed to industrial causes of disease, whereas, in the mining districts the women were almost totally exempt from them. Even as regarded persons of the same sex in the same district, the rate of mortality could be shown to be very unequal among different classes of the population; as in Sheffield, where the rate of mortality from pulmonary diseases among males of all classes being 8, that of the class called grinders was at least 13 in the 1000. Not to dwell further on the general statistics of the subject, he would now enumerate a few of the specific circumstances which he had satisfied himself were, in great measure, the causes of the undue prevalence of these diseases among certain classes of operatives. These might be briefly summed up under a few heads; viz., the breathing of an atmosphere either more or less charged with mechanical impurities, such as dust, or flax, cotton or woollen fibre, or vitiated by the products of combustion or by gases; or else of an atmosphere either highly dried and overheated, or imperfectly renewed from the want of proper ventilation; or, lastly, the maintenance of a constrained unnatural posture while at work. To illustrate these several heads, he might mention that miners, more particularly those who work in metalliferous mines, suffer both from inhaling an atmosphere loaded with gritty dust, and charged with soot and other products of the combustion of the gunpowder used for blasting the mine, or with gases, especially carbonic acid gas, given off from the strata through which the mines are driven. Potters suffer from inhaling the fine dust diffused through the air in their workshops, or from breathing an atmosphere over-dried and heated by the processes of their manufacture. Dust is not an essential accompaniment of the potter's occupation, the doughy paste employed in the manufacture of earthenware being used moist; but bits falling on the floor during the various processes, dry very rapidly, and being crushed by the feet of the operatives into an impalpable powder, the dust is raised into the air by the pattering to and fro of the potters' assistants. There is also, among the pottery workers, a class of women who suffer greatly from pulmonary disease, caused by inhaling the dust of powdered flint given off during the process of scouring the biscuit china with sand-paper. The operatives in certain departments of linen manufacture, especially flax-hacklers, are peculiarly subject to pulmonary disease, in consequence of inhaling a fine and very irritating dust, evolved from the flax during their labour; and the same evil exists, though in a less degree, among the operatives employed in the carding rooms of cotton factories. He (Dr. G.) had been informed last autumn, by a medical man of large experience in one of the cotton districts, that few men having entered these rooms at the age of twelve or fourteen years, ever reach the age of thirty-six or thirty-eight, the large majority dying of pulmonary disease at an earlier date. He had ascertained, by personal examination, that of 107 flax operatives of the hackler class, 79 were suffering from disease of the lungs; and in a single factory he had found 23 out of 27 men in the same condition. The inordinate mortality already referred to among the Sheffield grinders, he had found to be due to pulmonary disease, caused by inhaling a fine dust, composed of one-third particles of steel and two-thirds particles of grindstone. In Birmingham he had also found the operatives suffering from several of the above enumerated causes. The makers of pearl buttons, for instance, contract pulmonary disease from inhaling the dust given off in the process of cutting and polishing the discs, and from working in over-crowded, over-heated, and ill-ventilated apartments. The jewellers, on the other hand, suffer in the same way from working in small, ill-ventilated shops, the atmosphere of which is vitiated by gas, largely consumed in certain processes of their manufacture. In Nottingham, the ill effects of breathing an atmosphere imperfectly renewed from the want of proper ventilation were clearly demonstrated by the great prevalence of pulmonary disease among the women employed in the mending rooms of warehouses, where no cause of ill health existed arising out of the nature of their occupation. The same town afforded some remarkable illustrations of the deleterious consequences of working in an atmosphere artificially dried and heated. In one case, in which

the fresh air was heated by being passed over an iron flue, and then sent baked and dried into the several parts of the factory, he had found that of 200 members of a benefit society connected with the establishment, 190 had suffered from bronchial catarrh during the previous year. Lastly, to illustrate the tendency of a constrained posture of the body during work to induce pulmonary disease, he might point to the silk weavers of Macclesfield, the lace makers of Buckinghamshire, and the glovers of Yeovil. In the first of these three classes the mischief was caused by pressure of the chest against the breast-beam of the loom, preventing the due expansion of the lungs; in the two other classes, the same evil was produced by the contraction of the chest, induced by habitual stooping over their work. He had found, by examination of children employed in the lace-making trade, as compared with others of the same age in more favourable circumstances, that whereas, in the normal condition, the anterior and posterior circumference of the chest should be equal, in the lace-making children the posterior circumference exceeded the anterior by from one and a half to three inches. Taking all these facts into consideration, there could surely be no doubt that the great excess of mortality from pulmonary diseases among certain classes of the population, was attributable to circumstances connected with their industrial occupations. The practical question which would then naturally arise out of this conclusion, was, whether these circumstances were necessarily contingent on the nature of the several occupations, or whether, and in what degree, they were preventable. He believed, after minute and careful investigations, that they were, in a great degree, remediable. As an instance, he might state that the pitmen of Northumberland and Durham scarcely suffered more than the rest of the population from pulmonary diseases, whilst among those of Staffordshire and some parts of Wales the mortality from the same diseases was excessive, a discrepancy entirely due to the more perfect ventilation of the mines in the former district as compared with those of the latter. Again, in the lead mining districts, whilst in certain mines the men almost invariably broke down from miner's asthma before middle age, those who worked in better ventilated mines were found able to continue their employment till an advanced period of life. In the case of the grinders of Sheffield, there was a marked difference in the amount of pulmonary disease existing among those working in shops provided with a fan for carrying away the dust, as compared with that found among the grinders in shops unprovided with this essential means of protection. A still stronger illustration of the preventability of this class of diseases was afforded by the present, as compared with the former, condition of the needle grinders of Redditch. Formerly these operatives suffered even more than the grinders of Sheffield, but the dust formed during the grinding of needles being comparatively light, a proportionably greater improvement had taken place since the general introduction of fans into their workshops. The remedies for the chief causes of pulmonary disease among potters were simple and evident: the more frequent removal of *débris* from the floor of the workshop, together with its occasional sprinkling with cold water, would prevent the rising of dust into the air, whilst a different arrangement of the stoves used for drying the moist ware might be easily made to obviate the evils arising from an over-dried and heated atmosphere. Among the silk operatives of Leek, he had satisfied himself that the prevalence of pulmonary disease was mainly to be ascribed to the imperfect ventilation of the factory rooms, consequent on the almost invariable closing during work hours of the openings intended for the admission of fresh air, on account of their position being such as to produce a draught intolerable to the operatives. Obviously, this cause of disease might be entirely removed by more perfect arrangements for ventilation. With regard to the influence of posture in producing disease and deformity of chest, he would observe that, although much depended on the mere habit of stooping over work, a different arrangement of the seat and a little systematic instruction of the operatives at starting would go far towards remedying the evil.

Having thus sufficiently demonstrated the extent and the large preventability of the class of diseases to which he had proposed to confine his observations, he (Dr. Greenhow) would in conclusion venture a few words on the second branch of the question, which he was aware would be warmly debated, as to whether the Legislature, without going beyond precedents or infringing the due liberty of the

subject, could interfere to bring about, or at least to accelerate, the improvement which he trusted he had clearly shown to be feasible. The fact was, that the course suggested in the resolution involved no new principle of action, seeing that legislative provisions for the regulation of labour and for the prevention of accidents in certain mines and factories were already in force the punctual fulfilment of which was secured by the supervision of Government inspectors; and all that he intended to propose was, that these, as it seemed to him, most salutary provisions should be extended so as to reach other branches of industry, and other classes of evils besides those over which they had already exercised so beneficial an influence. If it could be fairly understood by the public, that the mortality arising from the preventable causes of disease, indicated by him this evening, alone greatly exceeded that caused at any time by the evils over which the Legislature had already assumed control, he believed that the weight of public opinion would sanction the object of his resolution, which he now strongly urged that meeting to adopt.

Mr. Charles Hawkins seconded the resolution, and also agreed, that without any interference some remediable measures might be taken. He did not think there was one of the evils pointed out which had not its remedy, and therefore he was of opinion the question should be placed before the Government with a view to protect the poor hardworked operatives.

Dr. Richardson thought that this was one of the most important questions which could have been brought before the Congress, although for certain reasons he should not support the motion of Dr. Greenhow. He thought it was a great thing for the country that the medical profession had met together to consider such an important question, affecting, as it did, a vast mass of the community. In addition to what Dr. Greenhow had said, he could adduce other cases, in which the health of the operatives employed was much affected. The first was the making of sandpaper, which was composed of sand fixed on a flat surface. In many of these factories a large number of children were employed, and he knew of one factory where very young children had died in three weeks from commencing to work, and on examination of the viscera of the chest, particles of sand were found on the lungs. He mentioned, also, the cigar trade, fur dressing, lace making, painting, and lucifer-match making, among trades in which the operatives suffered severely from chest affections. With regard to the remedial measures, he did not agree with Dr. Greenhow that any legislative interference could be brought to bear upon the question; in fact to do so would be looked upon as a direct act of despotism. What he suggested was, that instead of threatening the manufacturers with legislative interference, they should appeal to their better nature to do their utmost to remedy the evils with which their workpeople were surrounded.

Mr. Ryland did not think the appeal to Government would be efficacious in carrying out what was desired.

Mr. Holland said that, with the competition now existing, it would be impracticable and impolitic to incur the delay which must arise from leaving the remedying of the evils to the enlightened opinion of the public. They should endeavour to obtain an extension of the Factory Act, and, step by step, submit all large businesses to inspection, and, as fast as they could, introduce all the improvements possible.

Dr. Druitt considered that, as there was violation of life and property, they would be quite justified in calling for legislative interference. He thought that Englishmen should always have the privilege of invoking Government assistance in any matter where the safety of human life and limb was in such imminent danger, as thousands of our operatives are in at present. The Government need not interfere with the details of the various manufactories, but they could inspect, report, and instruct as to any improvements which appeared needful. The Government interference within limits must be beneficial in such matters, and he thought, therefore, that whenever it was needed it should be called in.

Mr. Lethaby would vote for the resolution, because Government had stepped in for more private matters than this one. They had made regulations for the lodging-houses, and surely if they could interfere with men at night, they should be allowed to interfere with them in the daytime. He belonged to the printing profession, which had not been mentioned in this discussion; many members of

that business died of consumption, and he thought the Government should be called upon to step in and adopt some measures to cause a diminution in that number of deaths.

Dr. BALLARD briefly supported Dr. Greenhow's motion, believing that the time had arrived when some strenuous measures should be taken to protect the large class of operatives in this country.

Mr. HEYWOOD said he most heartily congratulated the country on the steps which had been taken with regard to the factories and the bleaching trades; those who were the most strenuous opponents of those measures were now the most pleased at their having been carried into effect. He hoped the Government would step in and do something to remedy the evils which had been pointed out.

Dr. RICHARDSON then proposed as an amendment: "That in the opinion of this meeting, it would be most important for the Council of the Association to endeavour to obtain, through the Government, a Royal Commission of inquiry respecting the whole question of the effects of occupations on health in Great Britain."

Mr. MILLER had great pleasure in seconding the motion, because for many years an inquiry into the causes of the large mortality amongst the bakers had been much needed.

Dr. GREENHOW then replied; he should press his resolution to a division, although he at first only framed it to keep the discussion within limits. He felt that, sooner or later, the Government must step in to protect the operatives, and all he asked them to do by this resolution was, to request the Council of the Association to consider the matter and represent their opinions to the Government.

The CHAIRMAN then put the amendment, which was declared to be lost.

The original resolution was carried.

DISCUSSION ON THE HEALTH OF THE ARMY, NAVY, AND MERCHANT SERVICE.

On the reading of the papers and report on this subject, the following discussion took place.

The Chairman, Professor LEE, of New York, considered that bilge water was one of the causes of sickness in the navy. There was a great and unnecessary mortality in the navy. He held that a man on board ship could be maintained in better health than in the army. The health of the navy ought to be three or four times better than that of the army. Some years ago the Government took up the question of the state of the emigrant ships, and they enforced certain sanitary regulations. There had previously been great mortality and sickness on board emigrant vessels, but when these regulations were put in force the health of the passengers was very much improved. There was no doubt that the mortality of the sailors could be reduced, and that means ought to be taken for ventilating the ships, and for providing the sailors with proper food.

Mr. HOLLAND said, one-fourth of our sailors in the navy were sent home invalided every year, and of that number one-tenth died. He would ask why was not something done to prevent this great unnecessary loss of life and strength? They ought to take into consideration the danger to the country in having one-quarter of the sailors of our navy non-effective and unfit for duty.

Mr. ROCHFORT CLARKE said he was visiting justice to a prison, and in the county gaol he inspected he could state that every prisoner had his cell well ventilated. It appeared to him that our prisoners were better taken care of than our sailors.

Mr. RADCLIFFE said, with respect to the *Warrior* iron-plated ship, it had been decided by the Admiralty to place seventy tons of brickwork in her bottom to keep out the bilge; he did not know whether it was intended to cement this over, but if it was not done they might imagine the state in which she would be in three months, when the bricks became saturated. The mortality in our navy was attributed mainly to want of ventilation between decks and overcrowding. Overcrowding, he considered, was totally unnecessary, as in every ship of war

there was plenty of room, and in a line-of-battle ship there was at least one-third of the vessel available for space for the men. Lord Clarence Paget stated the other day that the Admiralty were going to take steps to ventilate the decks. This statement showed that our ships were not ventilated.

Dr. MILROY said there was a great amount of fever in badly ventilated ships, and he believed that a great deal of the disease could be traced to the accumulation of bilge water.

Lord TALBOT DE MALAHIDE said, the Government had done something for the improvement of our mercantile marine—they had made regulations for the emigrant ships, which had been most beneficial; they had also introduced a system of examination for the merchant captains, which had been of great service. It was most necessary, however, that there should be some obligation on the part of the owners to provide surgeons for large ships. The question of drowning was a most serious one, and it was impossible to look at the wreck chart of the United Kingdom without being aghast. No doubt many accidents arose from the bad conduct of crews, but many were owing to the unseaworthiness of vessels; they could not avoid coming to the conclusion that a proper survey would prevent many of these accidents. Under these circumstances action was desirable, and he thought they ought not to dismiss the subject without coming to some resolution, and he would accordingly move the following: "That the amount of loss of life among our merchant seamen, and the various diseases which are to a great extent preventable, is excessive, and that it is highly desirable that this subject of great national concern should be pressed on the attention of Government and of the Legislature."

The resolution was seconded and carried.

THE CAUSES WHICH MODIFY THE PUBLIC HEALTH.

Dr. BRYSON's paper on Quarantine drew attention to preventable diseases, under which he included (among others of less importance) small-pox, measles, scarlatina, typhus fever, yellow fever, and cholera morbus of the Asiatic type. The first four are generally admitted to be infectious, and Dr. Bryson believed the last two to be of the same nature. Enough is not known of the etiology of the exanthematous diseases to decide whether they could be put out of existence by preventing their transmission from one person or one family to another; but unquestionably it is possible to prevent their spreading with epidemic force when they do appear; though this could only be accomplished by legislation of a much more decisive character than the present quarantine laws.

Dr. Bryson attributes the failure of quarantine in arresting the spread of exanthematous disease to the inefficient manner in which it is administered; the period of detention required in most countries being from five to seven days after the cessation of disease, which is quite inadequate to secure safety, because the incubative period, that is, the time during which the poison may lie dormant in the system, often extends to ten, twelve, or fifteen days. As an instance:—H.M.S. *Sanspareil* left Simon's Town, where small-pox was prevalent, on the 4th of December, 1858; a seaman who had been on shore the day before she sailed, was attacked on the 3rd of January, 1859, twenty-seven days after leaving the infected locality, and at a distance of more than a thousand miles.* As another instance, as

* The *Sanspareil* touched at St. Helena and Ascension, but the disease did not exist in either of these islands.

officer landed from a ship of war at Ascension, and after three days' exposure to the sun was attacked with scarlatina. There had been no such case in the island for years, and none in the ship, nor did she communicate with any ship or any place on her way out. In both these instances the disease was prevented from spreading by isolating the patient; so that they both show, in Dr. Bryson's opinion, the inefficiency of our present quarantine, and the possibility of arresting the disease before it acquires an epidemic character.

Typhus fever, in nine cases out of ten, owes its origin to bad food, filth, and defective ventilation; it has, however, like the exanthematous fevers, a specific germ, and can be propagated by infection into countries where it did not before exist. Cholera may generally be traced to infected persons or localities, but even admitting the possibility of its spontaneous development this should not deter us from attempting to confine it by quarantine to its original locality. With regard to yellow fever, Dr. Bryson has examined the returns made for the last thirty years to the Director-General of the Medical Department of the Navy, and has failed to discover that the disease ever broke out spontaneously in any ship; and he believes that it is dependent on infection for its appearance and propagation. Its incubative period extends from one to fifteen days; the exciting poison may remain shut up in connexion with inanimate things for several weeks; the active poison from the body does not infect the healthy at the distance of many yards, unless the atmosphere is unusually quiescent; the disease has appeared in only a few places within the tropics, and has never broken out in any place unless there were communication with another place where it existed. Yet, in consequence of the neglect of quarantine regulations, yellow fever has been imported during the last thirty years into several places where it was before unknown; such as Rio Janeiro, Fernando Po, Ascension, Bona Vista by the *Eclair*, and Halifax (N. S.) by several vessels of war in 1851. It was also imported into St. Nazaire in France by a ship called the *Anna Maria* from the Havannah; a proof, Dr. Bryson thinks, of the danger of relaxing quarantine regulations as recommended by the Paris Conference. The *Anna Maria* had lost two men on the passage from yellow fever, but as the last death occurred thirteen days previous to the arrival, she was not put into quarantine. A few days after arrival one of her officers was attacked and died; the men engaged in unloading were also attacked, and the disease spread to the shore, where it was only overcome by a system of segregation aided by the cold weather. This and other similar cases show, in Dr. Bryson's opinion, that the disease is not dependent on an epidemic condition of the atmosphere, but on a personal emanation resembling the virus by which small-pox, measles, and scarlatina are propagated. In no case ought the quarantine for cholera or yellow fever to be less than twenty-one days, and after the crew have been admitted to pratique they should remain under medical surveillance. Dr. Bryson concluded by affirming the inefficiency, and even absurdity, of the

present quarantine laws in our own and other countries. Hence they have come to be regarded as impediments to commerce, though, if judiciously administered, and carried out on an international system framed on a better knowledge of the character of infectious diseases, they would ultimately free commerce by gradually lessening the amount of infectious disease, and possibly in the end extinguishing it altogether.

Dr. HORACE DOBELL contributed a paper "On the Prevention of Disease and the Diminution of its Fatality by Periodical Examinations." Such examinations of people in health it would be difficult generally to enforce, but Dr. Dobell recommended that the authorities of each hospital should organize a department to which every patient should be submitted before discharge.*

1st. To examine the patient carefully for the purpose of detecting what damages the organism has sustained during the last or any previous illness, and what hereditary or other predispositions exist to a recurrence of former diseases or to the invasion of fresh ones.

2ndly. To give the patient written instructions as to the best means of avoiding the evil effects of any damages the organism has received, or of removing those damages, and as to the best means of preventing the recurrence of diseases from which he has already suffered, or to which he is predisposed by his calling in life, or by hereditary or other causes.

3rdly. To give the patient a card to admit him to a repetition of the examination after a stated interval. Dr. Dobell proved that impaired health predisposed to disease, and was the chief source of its fatality, and his plan aimed at the removal of this previous and preventable defect of health, by instructing at least a portion of the public, and that the portion most in need of such instruction, in the best means of preserving it.

Mrs. BAINES again called attention to the subject of infant mortality, and pointed out the ignorance and neglect of sanitary laws, which so largely increase the death rate among children under one year old.†

Dr. HASSALL contributed some "Observations on the Employment in the Arts of Scheele's Green, or Arsenite of Copper and other Metallic Pigments." He enumerated the articles in which arsenite of copper is used, such as paper-hangings, wrapping paper, artificial leaves, muslins, and other articles of dress, tapers, candles, and confections. The delicacy of the brilliant green which it produces is injured by varnish, the colouring matter is therefore lightly put on paper-hangings, and easily detached, and the particles floating through the air are breathed with it. The danger of the use of arsenite of copper in the colouration of leaves, muslins, and other articles of dress or personal

* Lectures on the Germs and Vestiges of Disease, and on the Prevention of the Invasion and Fatality of Disease: by Horace Dobell, M.D. London: Churchill.

† Booth, 307, Regent Street, W. See Dr. Gairdner's paper on Infantile Death Rates, *Trans.* 1860, p. 632; also Dr. Fraser's paper on Excessive Infantile Mortality, ibid., p. 648.

ornament is twofold: the one affects the workpeople by whom the articles are manufactured, the other the wearers of them. The injury to health in the case of the makers of artificial flowers and leaves, chiefly girls and young women, is often very great. The green powder flies about the room in large quantities and is inhaled; it also settles on the exposed parts of the person, as on the head, face, neck and hands; the hands become stained of a green colour, which no washing will remove; at length ugly-looking sores appear on various parts of the body, including all the exposed parts; there is a constant soreness of and running from the eyes and nose, the chest and throat are sore, there is cough, and at length diarrhœa sets in. Frequently the workpeople become so ill that they are obliged to desist from their work from time to time; in some instances fatal results have been known to ensue. It is estimated that in London alone several hundred persons are engaged in the manufacture of these arsenical leaves. Many cases of severe illness arising from this cause, both in men and women, have come before Dr. Hassall, at the Royal Free Hospital, the particulars of some of which are recorded in the *Lancet* of the 1st of December, 1860; the condition of the majority was extremely wretched. The danger to the wearer is less, but still not inconsiderable. Its use in tapers and candles is highly pernicious, for during combustion the arsenic is set free and diffused through the atmosphere of the room in the form of arsenious acid. In sugar confections its danger is apparent, as the poison is taken into the stomach. A few years ago bushels of confections thus poisoned were sold in London, but owing to the efforts of the *Lancet* in making known their nature the sale of them has been considerably checked. Preparations of lead are also used in colouring sweetmeats; sulphate of copper in adding greenness to pickles and preserved fruits. Much injury to health arises from these practices. Dr. Hassall submitted that the interests of public health demanded a very searching inquiry into the full extent of the evil, to suggest preventive measures, and to form a basis for well considered legislation on the subject.

Mr. Ernest Hart read a paper "On the Sale of Poisons, and the Prevention of Accidental Poisoning," in which he recommended that particular-shaped bottles should be adopted for particular kinds of medicines, whether poisonous or not, for external or internal application. This precaution, he believed, would be found most useful, and would have prevented many of those accidental cases of poisoning which he enumerated, and which they had so much reason to deplore.

Mr. John Stenhouse, LL.D., F.R.S., contributed a paper "On Charcoal as a Disinfectant in the form of Air Filters." The power of absorbing and condensing gases which charcoal possesses having led Mr. Stenhouse to the construction of an air filter, for the purification of the atmosphere, first publicly exhibited at a meeting of the Society of Arts, in 1854, he gave an account of its extensive and successful application to the air shafts of sewers. 250 filters

have been put in operation by Mr. R. Rawlinson in the north-east district of London; at Swansea, Worksop, and Buxton, the entire towns have been supplied; Brighton and various other places partially. During the past year Mr. Rawlinson has also erected a very large filter, twelve feet by twelve, over a cesspool in the ground of the Winchester infirmary with the most perfect success. The infirmary had previously been very unhealthy, so much so that its removal to a more salubrious situation was contemplated, but since the erection of the air filter the change has become unnecessary. Mr. Haywood, the City engineer, under the direction of Dr. Letheby, Health Officer for the City of London, has applied the charcoal filter to the ventilation of the sewers in Shoreditch, and many of the adjoining streets. They report the great advantage of the experiment. The authorities of Glasgow have also applied from thirty to forty filters to one of their main sewers, and their introduction elsewhere is progressing.

Dr. HAUGHTON read a paper "On the Influence of Amusements on the Public Health," in which he maintained that the human mind was so constituted as to require variety in its occupations, and a certain amount of pleasurable excitement in order to the full development of its powers and the maintenance of a healthy condition. He remarked that the influence which the operations of the mind exercise upon the health of the body was probably much greater than could readily be proved, owing to the difficulty of subjecting any intellectual process to the same rigid analysis which is applicable to the physical frame, and suggested a more thorough analysis of the manner in which depressing emotions act. He instanced the effects of anxious thought, unbroken by relaxation, as frequently producing dyspepsia, impeding respiration, and so lowering the vital activity, and even directly affecting the brain. It could not be too clearly understood that while mere cessation from labour was generally effectual in recruiting the body, this was often impossible in the case of the mind, which could not be hindered from reverting to its ruling passions, unless some object calculated to divert its thoughts was presented to its attention. In the selection of amusements there was one general rule to be observed—that they be in the open air when practicable, and that they afford exercise to the body as well as to the mind.

Dr. ALDIS contributed a paper "On Gas—its Effect upon Health, and the Results of Recent Gas Legislation." He stated that it had been lately estimated that there were nineteen works belonging to thirteen companies within four miles of Charing Cross; that 850,000 tons of coal were carbonized annually, and about eight million thousand cubic feet of gas manufactured. Of this, more than one million thousand feet was lost by leaking from the mains, the rest was sold for about £1,600,000. Dr. Aldis showed the danger of this great leakage to health and life, coal gas being a deadly poison as well as explosive. He gave the details of various experiments by which he proved gas destructive to animal life, and also those of several accidental deaths resulting from its inhalation.

Gas mingled with the atmosphere in the proportion of $\frac{1}{5}$ to $\frac{1}{12}$ is explosive. When mixed with atmospheric air in equal proportions, Dr. Aldis found it destroyed a rat in two minutes and a half; one-fourth gas and three-fourths air, in eleven minutes; and one-fifteenth of gas caused death in forty-one minutes. He urged the necessity for care among the workmen employed in the making of gas and in the various trades connected with its supply, and offered some practical suggestions for their use. He also urged the necessity for ventilation in rooms or buildings where gas is used.

Mr. Symes Prideaux read a paper "On the Pollution of the Atmosphere of our Manufacturing Towns with Smoke." Inadequate dwelling-house ventilation was, he observed, the monster evil of civilization. In addition to the vast mass of disease of which it was the direct parent, it was indirectly responsible for much of that engendered by uncleanliness in person, habitation, and surroundings; for want of ventilation, by habituating the sense of smell to impure air, gradually blinded its delicacy, till, the safeguard of a healthful instinct which loathes fetidity being lost, man sank down into an abyss of filth to which no parallel could be found in the brute creation. In expostulating with some residents in a manufacturing town on the defective ventilation of the apartment in which they were sitting, Mr. Prideaux had his attention very forcibly drawn to a circumstance which has hitherto either escaped notice or not had the attention paid to it which it deserves, viz., the great extent to which the smoke in manufacturing towns acts in preventing ventilation, the universal complaint of the inhabitants being that they cannot open a window without being deluged with smuts. The main cause of the perpetuation of the smoke nuisance Mr. Prideaux considers to be the deeply rooted belief that its removal entails a considerable sacrifice of fuel—an opinion not to be wondered at since it correctly describes the result attendant upon ninety-nine hundredths of the schemes for its removal recommended to the public during the last forty years, and which under a variety of names have in reality consisted in nothing more than the adoption of the unscientific expedient of leaving openings in the door or bridge through which a constant flow of air into the furnace took place. Now, when it is considered that for about two-thirds of the coaling interval no smoke is emitted from a furnace, whilst during the remaining third it is emitted in a constantly decreasing quantity, we are in a position to see that to make the supply constant and uniform is to admit six times the required quantity, and consequently to cause great waste of fuel. If, in opposition to this barbarous practice, the admission of air be made intermittent—limited to the periods when smoke is being formed, and diminished in quantity as the smoke lessens—if, in short, the common sense plan be adopted of causing the admission of air to vary with the emission of smoke, a saving of fuel of about 15 per cent. instead of a waste of 25 per cent. is the invariable result. It is not then incompatible with the interests of the furnace owner to spare his neighbours the infliction of smoke; on the con-

trary, the smuts with which he begrimes them and lengthens their washing bills are so much fuel lost, and figure as no inconsiderable item in his own coal bill.

Sir JOSHUA JEBB, Surveyor-General of Prisons, gave some interesting details of the system adopted by him in the warming and ventilation of prisons, hospitals, &c. He strongly advocated the principle which has for generations been in operation in coal mines, namely, that of extracting the requisite amount of foul air by a shaft, within which an upward current was produced by maintaining a difference of temperature, and allowing the fresh air, temperated when necessary by hot-water pipes, to supply its place. He pointed out the necessity, under ordinary circumstances, of having convenient openings in any room or ward proposed to be ventilated, by which a circulation could be maintained, and that such openings, whether for the extraction or introduction of fresh air, should not be generally less than one-fourth of a superficial foot for each person. It was likewise explained that for summer ventilation a simple expedient might be adopted, in the construction of horizontal flues across the ceiling of a room, having perforated zinc panels; these being open at each end to the outer air, and divided in the centre, would allow the fresh air to enter from the windward side, and be distributed into the room, and by its pressure the foul air would be forced out to leeward. It was recommended, in connexion with this plan, that there should be vertical flues in the angles of the rooms, passing through the floors above and discharging into the roof. By these means of horizontal and vertical action, a very effective ventilation has been maintained, both at Dartmoor and Woking prisons, and at the Refuge at Fulham. Sir Joshua stated that the first-named system was applied at Pentonville with unvarying success, a current of from 30 to 40 cubic feet of air being introduced into every cell per minute, and that any required degree of temperature was maintained—and this at an expense not exceeding one farthing per cell for 24 hours.

Large drawings were made use of in giving these explanations.

HOSPITALS.

In addition to the papers printed at pp. 617—656, Mr. A. E. DUNHAM read a paper "On the Comparative Hygienic Arrangements of the French and English Hospitals." He produced several statistical tables, for the purpose of showing that the average general mortality was much greater in the French than in the English hospitals; and, in the first place, that the proportionate mortality in all cases in both countries was greater in the medical than in the surgical cases. In the Parisian hospitals a very much larger number of medical than surgical cases were fatal. He said that all applicants were admitted indiscriminately into the French hospitals, but in the London hospitals only the most urgent and severe cases were selected from a multitude. The consequence was, that in London hospitals they had a much larger proportion of acute diseases and of severe

chronic cases approaching their termination; while in the French hospitals there was a much larger proportion of trifling cases which required only a few days' rest or some of those slight operations which were done every day in the out-patient rooms of the London hospitals. He went at some length into an examination of the arrangements of the hospitals, both as to ventilation and dietary, and in conclusion said he had pointed out very hastily many of the differences in the hygienic arrangements of the hospitals, and he hoped he had said enough to call earnest attention both to the warnings and examples afforded by the present state of the French hospitals.

DISCUSSION.

Mr. George Godwin, while acknowledging the value of the paper, as showing the state of the French hospitals, hoped it would not be put forward in consequence that there was no necessity for making any change in English hospitals. All medical men said that the English hospitals were not what they should be, and it seemed impossible for patients to get well in some of them, and they would stand a much better chance of it if they were put under a tent in a field. It would be most disastrous if there were to be no attempts made to improve the condition of the English hospitals. The Netley Hospital was in a most disgraceful state, and if persons recovered there it would be solely due to the great ability and continued care of the medical profession.

Mr. Charles Hawkins did not think the rate of mortality so much depended on the construction of the hospital as on the selection of the cases taken.

Lord Talbot de Malahide said some years ago he had visited the Paris hospitals, but he could not agree with Mr. Durham that they were better situated than those of London; most of them were in very crowded situations, particularly the Hôtel Dieu. The extra mortality in some of these hospitals might also be accounted for in consequence of a large number of very critical cases which were sent from considerable distances, to have the advantage of their excellent medical staff. That especially applied to the Hôpital de la Charité.

Mr. Simon said he had been in Paris for some time, and there was no doubt but that its hospitals were in a very bad sanitary state; with regard to our own hospitals, the mortality in all of them was excessive. In the disease of small-pox, in France, the mortality was much more than that of patients with the same kind of disease treated at their own homes. From what they knew already, the mortality in London hospitals was excessive, but they must endeavour to get the mortality of well defined diseases in private practice. With respect to the diet scale, he believed the practice of fixing the diet for any length of time to be bad. On looking over the tables it appeared to him from the amounts expended in wine, that the patients in the French hospitals got more wine than those in the London ones.

Dr. Lankester said he did not think that the difference in the mortality of the London and Paris hospitals was sufficiently great to point out that any hospital was bad. He was surprised to find that in some of our hospitals the diet scale was remarkably deficient. In one hospital no butter was allowed. Both milk and butter were necessary to patients. In St. Thomas's Hospital they had no potatoes—this was a most striking exception. It was true they had rice. In the South Kensington Museum they had an analysis of every kind of food, and if they looked at the products of rice and potatoes they would soon see which had the most nutriment. It was strange that the patients at St. Thomas's could do as well without potatoes as with them. He thought they were deeply indebted to Dr. Steele for bringing the subject forward. It was a question whether the expenditure in wine was measured by its effects, as he felt that a judicious selection of malt liquors could always be made with advantage. There was the same quantity of alcohol in malt liquor which cost twopence as there was in spirits which cost sixpence. He thought they could introduce cheap French and German

wines with effect. He would now call attention to the mode of cooking, and was sorry to see that the poor had a prejudice against soups. If they could be induced to take soups it would effect a great economy in the food of the country. With respect to fruit and vegetables, he was of opinion that every person should take some raw fruit at least once in twenty-four hours. In conclusion, he pointed out the stimulating effects of cocoa and chocolate, which contained a great amount of food, and thought these two articles could be very well substituted for the tea and coffee of this country.

Mr. Charles Hawkins said the variety of food at St. George's Hospital was as great as that supplied to his own table; milk was used; tea was given to every patient, not in bulk, the patient being supplied with a teapot so that he could make and have his tea quite as comfortable as if he was at home. There was no patient in St. George's who had not a great variety of food, from a mutton chop to an ice from Gunter's. He might say there was better cooked meat in the hospital than he could get at his own club, and with respect to the potatoes, they would as soon leave out the dispensary. He made these remarks for the purpose of setting the hospital right with the public; they did not leave out milk, butter, potatoes, or fruit. During the first ten years the mortality was 11 per cent., for the second 8·620, and during the last period 8·269, so that it had been reduced from 11 to 8 per cent.

Mr. John Millar contributed a paper "On Some of the Disadvantages which Affect the Insane Poor." On the 1st of January, 1860, there were 213,543 persons of unsound mind in England and Wales maintained wholly or in part out of the poor rate, and it appeared that the number had been increasing at the rate of 1,300 per annum. Of these 213,543 pauper lunatics, many of them paupers by compulsion, because no provision is made for the class who cannot afford private asylums, 17,344 only were in asylums. The pauper was only sent from the workhouse to the asylum when his case had become desperate, while it was well known that insanity was curable in ratio proportioned to the shortness of the time that elapsed between attack and treatment. The two points to which Mr. Millar specially directed attention were: 1st, the fact that on the 1st of January, 1860, 14,109 persons of unsound mind were without the protection which the lunacy law has provided for all insane persons, and 2ndly, that the number is steadily increasing, both because recent cases of insanity are sent to the workhouse instead of to asylums, and also because great delay occurs before persons in a condition of life immediately removed from pauperism can be considered objects of parochial bounty. The commissioners in lunacy were constantly urging the necessity for correcting this growing evil. Mr. Millar concluded by observing, that if the proposition made a few years ago by Mr. Disraeli were carried into effect, and all expenses connected with the insane were thrown upon the consolidated fund, the question of local expense which interferes so much with their transmission of recent cases to asylums would be removed; and if admission to public asylums were conceded under certain restrictions to the insane among the poor of the middle classes, the reluctance to become paupers consequent upon this delay would be avoided, and the terrible increase of the malady would be checked.

MISCELLANEOUS.

Dr. LETHEBY, Medical Officer of Health to the City of London, contributed a paper "On the Qualification and Duties of an Officer of Health," in which he observed that public hygiene ought to be made a special study, and the public health officer ought not only to be a skilful practitioner, but a man of science. It was necessary that he should have a knowledge of geology and chemistry, and a technical knowledge of the arts, that he might be able to trace the effects of trades and manufactures, and all other influences acting against the healthfulness of the population of his district. He quoted at length the instructions of the General Board of Health, issued to its medical officers, December 20th, 1855, as a summary of the duties of such officers. To their present duties, Dr. Letheby suggested the addition of registration of births, deaths, and diseases, the information of the coroner in cases of suspicious death, and assistance in their investigation, and the detection of adulterations of food. They might furnish reliable statistics of the rates of sickness. The public health officer should be entirely independent of the conflicting interests of private practice and also of the influence of local boards. It is necessary for the discharge of his duties that he should have the confidence of the public, on one side as the adviser and protector of the public, especially the poor, on the other as standing between the public and the administration.

Mr. BENJAMIN SCOTT, in a paper on "Ancient Water Conduits, Pumps, and Modern Drinking Fountains," gave an interesting historical account of the water supply of London. Springs appear to have furnished an adequate supply up to the beginning of the 13th century. In 1236 the first water conduit was projected, and does not seem to have been completed until 1285. This great conduit was supplied from six pools at Paddington. Mr. Scott furnishes the dates and sources of the various conduits constructed for the supply of London up to the middle of the 17th century, with the names of their founders, among whom occurs twice the famous Sir Richard Whittington. In 1582 a new era commences; Thames water is introduced. The water of the New River was introduced in 1683, by the completion of the work of Sir Hugh Myddelton, and to this day affords the chief source of domestic supply.

Into the history of the water companies Mr. Scott does not enter, but passes on to a brief notice of the pumps, and then to an account of the modern drinking fountains. The water supplied by the water companies of London was furnished for those only who could afford to pay for its use, and it was discovered that the destitute poor and the casual wayfarers of our metropolis encountered, under some circumstances and in some districts, more difficulty in procuring a cup of cold spring water than in obtaining a loaf of bread. The suffering and intemperance resulting from this state of things suggested the erection of gratuitous drinking fountains, and to Mr. Melly, of Liverpool, belongs the honour of inaugurating the free

conduit supply of modern times. Originating in the provinces, the idea, like all things good and bad, soon travelled to the metropolis, and was heartily welcomed by the press of London, and by all classes of the people. The idea was so simple, its benefits so obvious, and its claims were so unobtrusively introduced to public notice, that the institution stands alone amongst innovations as the only one which has not run the gauntlet of violent and unreasoning opposition. A society—the London Drinking Fountains Association—was at once formed, to organize the movement, and its progress during the brief period of its existence has been most encouraging.

The frequency of application to these sources of supply attests both their utility and the severity of the want which existed and which to a great extent still exists. It has been ascertained that on an average day of sixteen hours, there were 4,560 drinkers at the Royal Exchange Fountain, 7,000 at that at Snow Hill, and no less than 9,000 at the Bethnal Green Fountain. As many as 11,000 draughts per diem have been taken at the latter fountain. About 2,000 draughts per diem is the average number at the fountains in bye streets. From these data it would appear that as many as 200,000 persons at least avail themselves daily of the comparatively limited supply at present existing. To furnish the whole metropolis adequately, some 300 additional fountains will be required. The classes of persons mostly resorting to the fountains, according to Mr. Scott's observations, are those engaged in drawing trucks, carrying burdens, and running with errands, together with shop-boys and the humbler clerks, who partake of their meals amidst the hurry of business, and often as they walk through the streets. The young appear greatly to predominate as drinkers; this fact is suggestive. The writer has, on more than one occasion, seen boys drawing trucks, stop at the cab-stands, and, in the absence of other modes of refreshment, slake their thirst at the horse-buckets which are kept supplied at such places; this fact is also suggestive, not only of urgent necessity, but of possible consequences of a distressing kind resulting from the contagious diseases to which horses are liable. As to the expense, simple mural fountains have been found to cost, on an average, about £55 each, all items included. Standard fountains, constructed like the ancient conduits, so as to combine artistic appearance with utility, have ranged variously, according to the taste and liberality of the donors, from one hundred to five hundred pounds.

The water is derived in all instances from the water companies, and is filtered previously to use. The average annual cost of water and of the necessary cleansing, painting and repairs, is found to be about £7 10*s.* per fountain. The question now presents itself, By what means should the fountains demanded by the requirements of London be most readily provided and kept in efficient operation? The history of the past assists us to a reply to this question. The water conduits were for their origin indebted to, and for their maintenance dependent upon: 1st. Voluntary benevolence of wealthy and

public men. 2ndly. An occasional rate in aid. 3rdly. Charitable bequests. To all these sources Mr. Scott commended the movement for a supply of drinking fountains adequate to the requirements of London.

Dr. BULLAR contributed a paper "On the Dangers, from Sanitary Defaults, to Travellers in Search of Health." After noticing the uncertainty of the effect of climate on invalids, owing to the differences of opinion among physicians, the want of accurate information, and the necessary variations of weather and temperature, the author suggested that more careful inquiry was needed to discriminate between the influences of climate themselves, and the accidental accompaniments of climate, such as the customs of the inhabitants, the food, the structure and arrangements of the houses, and, in short, the general sanitary condition. He further suggested, that in order to escape as much as possible from bad air, it is important to choose hotels, houses, or lodgings as far removed as possible from external causes of contamination. Travellers would do well to make an inspection of the premises, examining drains, stables, occasional slaughter-houses, piggeries, fowl-houses, and other conveniencies. Amongst these will often be found, not far removed from the house, and sometimes conveniently placed beneath and near the kitchen windows, large accumulations of eggshells and rotten eggs, feathers, orange and lemon rinds and other vegetable refuse, animals' entrails, and other uneatable remains of poultry, hares, rabbits, &c. It is well to take rooms as far as possible from water-closets, or from any sink-pipes. In some hotels a sink may be seen attached to a wall of some of its passages, a pipe from which (most probably untrapped) leads to a dead-well rarely emptied. It is wise to get away from these pipes to the floor above if that be free from them. In some hotels, even though inconvenient to do so, it is well to occupy the top rooms in the house. In a fusty hotel, rooms with carpets and with much furniture, especially if it be of the aged "shabby genteel" order, should be avoided. In the South there are favourite and most beautiful spots where the woods are of olive-trees, and where oranges and lemons are cultivated. Manure is very essential in this cultivation, and it is also very scarce. Every care is therefore taken to preserve and to utilize it; it is applied in a most offensive manner; and in gardens where there is an artificial irrigation and a damp soil, the combination of its evaporation with the gaseous effluvia of decomposing excrement is abominable. A large dead-well commonly adjoins the lodging-house. A clumsy untrapped or ill-trapped pipe connects the water-closets with this dead-well. The house has several flats, one family, or sometimes more than one, occupying a flat; so that, when the house is full, there are many contributors to the dead-well. A common stair leads to these several flats. Each flat or each set of apartments has its own kitchen. Charcoal is employed in cooking, and the chimney acts so inefficiently, or the several charcoal fires are so far removed from it, that there is, whenever fires are made, a free distribution of the gaseous products of char-

coal-burning into the particular flat. In some cases the drains of large hotels of extensive districts discharge themselves just in front of the houses, into rivers. When, as is frequently the case, the beds of these rivers are more or less dry, ponds of foul fluid collect, to await the next heavy rains, that they may be carried away. Dr. Bullar added in conclusion: I have had experience as an invalid abroad and at home; and this experience has confirmed the belief that the advantages of foreign climates are too highly estimated, and the advantages of England are not estimated enough; and that unless an invalid commands such fortune as enables him to secure all possible advantages and to escape from the many evils which are so commonly met with, he will do well in a great proportion of cases to stay in England; and to bear in mind, in the choice of his residence, not only the malady which is to be benefited, but also the circumstances which have led to, and which are still keeping it up. In this way, and with all caution as to the sanitary condition of the house and place occupied by invalids, and all caution as to their own general sanitary management, I believe that much suffering would be avoided, that many lives would be saved or prolonged which are now lost, and that much health would be restored which is now sacrificed in the distant search of blessings which God has mercifully given us in our own country and nearer to our own homes.

Dr. Acland contributed a paper on "Standard Medicines, or Revision of Remedial Agents," in which he showed the advantage which would accrue to medical science and to humanity, if a committee of medical and scientific men from the principal nations could agree on some uniform rules for testing, once for all, the therapeutical properties of all such drugs, and other remedial agents as have acquired, or may acquire, a reputed but indefinite value. He stated three objects which seemed desirable in this matter:—1st. That civilized nations should all possess the most complete possible list of remedies for disease. 2nd. That from the existing lists of reputed remedies, there should be eliminated those which are inferior to others of similar tendency, and those which certainly are of no value at all. 3rd. That there should be some permanent recognised means for reporting on and examining new substances, that are supposed to have remedial properties. Dr. Acland moved a resolution, to the effect that it was desirable that the Association should appoint a Committee to carry out this proposal.

This resolution was taken into consideration by the Executive Committee on the 4th of December, and they came to the conclusion that the object aimed at by Dr. Acland, though most important, was hardly within the scope of the Association, and that it would be better dealt with by the British Medical Association, which body, it is understood, have appointed a Committee on the subject.

SOCIAL ECONOMY.

STATISTICAL SCIENCE.

The Importance of Local Statistics, for the Promotion of Social Science. By RICHARD VALPY.

IF some persons are disposed to doubt the utility of discussing questions of social science, few will refuse to admit the importance of promoting social improvement. The elucidation of guiding principles for the better conduct of human society may not be considered a sufficiently practical work to enlist the active support of the public generally; but if it can be proved that to the want of a knowledge and application of such principles it is greatly owing that improvement in the condition of the people is impeded, and national progress is retarded, economic science will receive that share of public attention which is requisite to make it productive of good to the country at large.

In order to furnish proofs of the ill effects of inattention to economic laws, it is necessary to obtain and make widely known a considerable number of recorded facts. Statements limited to individual experience, however trustworthy and impressive in themselves, exercise but a small amount of influence, compared with actual numbers from public registers. It is upon this kind of evidence that social reformers must greatly rely for producing conviction upon the public mind. The details required are comprehensive statistics bearing upon the different branches of social economy, and the question is, how are they to be obtained and made available for the promotion of social science?

This country is not behind-hand in the publication of official statistics on most subjects of national interest. For finance and commerce, births, deaths, and marriages, education, pauperism and crime, we have copious statistical information in the public returns. For general purposes, the official statistics are of great utility, and often indicate where inquiry is needed in the social system. They comprise sufficient results to mark the prevalence of wrong action, and exhibit facts enough to invite the efforts of social reformers; but the public statistics can rarely comprise all the details which are necessary for a complete investigation of social problems. The labourers in the field of social science must prove, by ample facts, the how and wherefore of wrongs, sufferings, or losses, before they can

overcome the ignorance and prejudice which cling to the ways of old.

Statistical details upon a variety of interesting subjects connected with the social condition of the people could be collected in our principal towns and their neighbourhood.

The large population, the increasing wealth, the manufacturing importance, and the numerous institutions for promoting the moral and physical welfare of the inhabitants, make it a matter of great social interest, that statistics relating to our large towns should be obtained and published by the local authorities. Independently of the utility and interest of such statistics in the localities themselves, great advantage would result from the opportunity of comparing the statistics of different towns. In some instances, advantage could be taken of the example and experience of other localities; in others, encouragement would be afforded to persevere with new systems; and there would be the larger and more general benefit of encouraging in each town the desire to be foremost in all departments of social progress. Without local statistics, the knowledge of what is injurious to the inhabitants of a town and neighbourhood is not sufficiently brought home to the classes who probably do not experience the suffering, but whose influence and help are necessary to provide a remedy. There is but little chance of individual sympathy and exertion being called forth by facts recorded in the Government statistics, relating as they do to the whole country or to large districts of it. Local peculiarities may be so counteracted in returns made up for considerable areas, that no unfavourable results will be shown. They may exist, nevertheless, but they fail to attract attention, because there is no evidence of their occurrence in the particular localities.

An instance of particular results being lost sight of in general statements, occurs in the "First Report of the Council of Military Education upon Army Schools," just published. The returns for the whole army show scarcely any variation in the percentage of uneducated men in 1858 and 1861, and the council observe that "the mass is evidently in much the same state, with respect to education, as was the case three years ago." But when the different branches of the army are distinguished, considerable variations appear. Whilst for the cavalry and infantry of the line there is no change, the artillery and foot-guards show a diminution of one-half in the percentage of uneducated men in 1860 as compared with 1858. The difference is great in so short a period, but the council attribute it to education receiving in those corps the attention and encouragement due to its importance. Returns for the several regiments of cavalry and infantry of the line would doubtless exhibit differences in those arms of the service for which no result appears in the aggregate return.

The growing interest in all that concerns the advancement of the health, happiness, and comfort of the people, is a sure sign that those who can do good are not unwilling to do it, when the need and

the way of doing it are placed before them. The efforts of private individuals who devote their time to the investigation and amelioration of unfavourable social circumstances, often produce only a tardy and partial effect, from the want of the corroborative evidence of authentic statistical facts. Suspicion or unconcern too often meet the representations of individual philanthropists. Their efforts are often said to be mistaken, or misplaced, or to be founded upon the observation of too limited a number of facts. The periodical publication of carefully compiled statistics relating to the economic interests of our large towns and their neighbourhood would be standing records that could not be disregarded or distrusted. Be the results favourable or unfavourable, the facts must be acknowledged as a true indication of the social state of the several localities. With figures telling of the decrease of that which is bad, and the progress of improvement, there would be no fear of halting or retrograding in any good system. With a like record of unabated or progressing evil, the search for, and application of, a remedy, could not long be postponed.

To persons who have devoted attention to the various questions connected with social science, the want of more detailed statistics for particular subjects is well known. As regards the important subject of the public health, investigation is often at fault for want of information bearing more directly upon vital statistics. Various particulars of disease and deaths in large towns, and in different districts of the towns, would facilitate sanitary improvements. It would be useful in local returns to distinguish the cases of disease and deaths amongst persons of different occupations. Now that there are Boards of Health in so many towns, and sanitary measures are adopted in various places, statistics showing the results of the efforts in different parts of the country, to improve the public health, will be of great value and utility. In the great seats of our manufacturing industries, the importance of attention to the public health cannot be over-rated. The command of healthy and strong factory operatives of both sexes will tell materially in the keen competition which our industrial productions must encounter in foreign markets.

Education is another subject for which local statistics would be valuable. The public returns relate only to schools receiving aid from Government, and present, therefore, but imperfect statistics of national education. The educational statistics of large towns would be of considerable interest for the purpose of comparison with other local statistics, such as those relating to crime, pauperism, and provident institutions. It is important that all the available means of education should be made known. The amount of money raised and expended in towns, year by year, for educational purposes, is a question of much interest.

It is also a matter of social importance in large towns to ascertain and register the occupations of persons obtaining parochial relief. And a register to show the periods for which paupers have been

chargeable upon the poor rates would afford valuable information. The local poor-law authorities could, no doubt, collect particulars for these and other useful inquiries respecting pauperism.

Criminal statistics are now published in the principal cities and towns by the police authorities, and, in some places, returns relating to other local matters are included. At Manchester, for instance, the police returns show that the annual value of property within the municipal city has increased from £1,028,439 in 1842-43 to £1,477,488 in 1861-62. The number of dwellings of the poor visited by the sanitary officers, and the number that required cleansing, are also stated. In the year ending the 29th of September, 1861, of 32,687 dwellings so visited, 26,026 were found clean. In the same year there were in Manchester 3,225 inhabited dwelling-cellars, occupied by 12,395 persons.

But it is probably at Glasgow that the most comprehensive local statistics are published. A very interesting annual report on the vital, social, and economic statistics of Glasgow, is prepared by Dr. Strang, the City Chamberlain. With reference to the important subject of infantile mortality, Dr. Strang shows that in 1861, the deaths under the age of one month, in proportion to the births, were as 1 to 13 in the Clyde district of the city, but only as 1 to 25 in the Blythswood district. The deaths under one year were to the births, as 1 to 4 in the former, and but 1 to 8 in the latter district. The two districts are inhabited by different classes of the population, but a double rate of infant mortality is still a startling fact. Upon the prospects of a diminution in the great mortality of the infant portion of the population, Dr. Strang observes, "It is chiefly from the improvement of the social condition of the great mass of the population that we can really hope for an increased average term of existence being obtained for the infancy of Glasgow."

Referring to statistical details for other districts in Glasgow, calculated to elucidate the diversified social position of the inhabitants of Blackfriars parish, and of the leading West End quarters of the city, Dr. Strang says, "It will at once be seen how much the vitality and mortality of our race depend on the social circumstances in which man is placed. Dissimilar circumstances have produced in the Blackfriars district a death rate, under one year, of no less than 21 per cent. upon the annual births, whereas in the Crescent quarter the corresponding death rate is barely 2 per cent." The general condition and progress of Glasgow is shown by the following figures, which are given with many others in Dr. Strang's report for 1861. The total population was 360,138 in 1851, and 446,639 in 1861. The whole rental of property within the Parliamentary Burgh in 1861 was £1,632,609, and £33,727 beyond that boundary. The rental has been increased by £582,164 since 1851. The revenue of the river and harbour trust amounted to £68,875 in 1851 and to £105,768 in 1861. The depositors in the savings' bank were 29,045 in 1851, and 41,516 in 1861. The deposits by indi

viduals amounted to £477,196 in 1851, and £895,310 in 1861. The statistical results so well brought forward by Dr. Strang, cannot fail to excite an interest, and invite co-operation in promoting the social progress of the population of Glasgow.

If similar reports were published in other principal towns, they would enable those who study general economic laws, to arrive more speedily and surely at correct deductions; and, in the towns themselves, such reports would materially contribute to a quicker perception of unfavourable circumstances, and a more general desire to promote the welfare and happiness of all classes of the respective communities.

EMPLOYERS AND EMPLOYED.

On the Investigation of Trade Differences, and the Relative Credit due to the Testimony of the Employer and the Employed. By J. M. LUDLOW, *Barrister-at-Law.*

HOWEVER stoutly it may yet be maintained by many persons that questions affecting the conditions of employment only concern masters and their men, there is visibly a growing feeling that those questions affect other classes of society also, and no great cessation of labour by strike or lock-out can now take place without being discussed in newspapers, and forcing its way, after a time, even into the sanctum of after-dinner conversation. Nor can this be wondered at. It is preposterous to tell a man who cannot get his boots home because there is a strike among the boot-closers, or a man who cannot get his house finished because the builder has introduced a system of payment which is unpalatable to masons or plasterers, that the conditions of labour in either case are no concern of his. After a first growl at the actual inconvenience inflicted upon him, his natural impulse will be to ask, why this interruption of labour has occurred? And if his mind be not so constituted as to accept the first reason assigned, simply because it is a reason, he will be naturally led on to investigate the correctness of such a reason when offered.

But here he will find himself ere long engaged in a very sea of difficulties. Unless by character an essential partisan, he will have but too often occasion to remember the words addressed by Sir John Malcolm to the wild Bheel, who wanted to obtain justice from him on a mere statement of his wrongs: "God Almighty gave me two ears, that I might hear your tale with the one, and your adversary's with the other." It is impossible to conceive of anything more different often than the accounts given by employers and employed, not only of an actual trade-dispute—this one might be prepared for, as one is prepared for contradictory evidence in a running down case, or a divorce case where cruelty is imputed—but

of the general facts, of which the dispute in question only affects a small portion, as average hours of labour, average earnings, average periods of employment, average exertions required, &c. To a great extent, no doubt, such statements, from the one side or the other, are authenticated to the investigator (and rightly so) by the personal character of his informant, so far as it is known to him. But in very many instances such a test becomes inapplicable or untrustworthy. Much of the evidence before us may be documentary, and proceed from persons individually unknown to us. Much oftener still, we have not that knowledge of the informant's character which would enable us to decide with even probable correctness as to his credibility; and in proportion as our investigations extend, we learn to feel that, even with the most perfectly upright and well-meaning witnesses, there are limits to credibility, arising from position and circumstances. For all these purposes it becomes important to ascertain for ourselves what are the conditions of credibility attaching to the statements of either party, irrespective of the personal character of the witness.

I. *The Testimony of the Employer.*—Under ordinary circumstances, the testimony of the employer will be that which is first available. He, and not the employed, is the one of the parties with whom we are naturally in contact. Even if the act of investigation be not suggested to us by any personal inconvenience, for the explanation of which we resort as a matter of course to the particular employer with whom we are dealing, still he moves more or less in the same circle as ourselves; at any rate, he is to be found at his counting-house, his address is available in the Directory. If, indeed, approaching him without due introduction, we find ourselves met with visible reticence or suspicion, still it is generally not difficult to find his case set forth by the newspaper or periodical press. When communication is once opened, moreover, it is generally easy to carry it on with him by writing. His case, therefore, is not only generally the first known, but the easiest studied also.

Again, the employer's testimony always claims a *primâ facie* authority. He is for the most part an educated man, moving at least in a respectable rank of life, often an influential, sometimes an eminent one. He has, or seems to have, a name, a character, a position to lose. He generally calls himself a gentleman, is probably capable of behaving as such, very often, thank God, is one. If he should speak of his honour, the coat on his back sufficiently vouches for it to prevent your questioning it, without at least some ground for doing so.

His very position as an employer claims for him in many respects a real authority. His point of view, as compared with that of the employed, is at once loftier and more central. As respects internal economy, he sees the whole where the other sees only a part, and can therefore discern the true proportion of the parts to each other, the due subordination of each to the whole. As respects external relations, he is in constant contact with the two worlds of consump-

tion and of production; he feels the influence of each, and has to adjust, in reference to each, the economy of his establishment. The responsibilities of such a position generally command the possession of greater energy and ability than will be found among the bulk of the employed, or at least develope to the utmost whatever faculties may best supply the place of either. If, as often happens, the employer himself has risen from the ranks, his present position generally sufficiently guarantees the existence of such energy and ability, and adds to his other sources of authority the invaluable one of his past experience in the very position with which his own is now contrasted.

There is, therefore, at all times and in all cases, unquestionable weight to be attributed to the employer's testimony; and if its explicitness and candour could be fairly reckoned upon, and the sphere of its competency could be accurately circumscribed, it should be of itself sufficient to authenticate all statements of fact.

Unfortunately, the employer's testimony, I am inclined to think, is very seldom explicit; and if candid, I believe it to be generally most so when it openly refuses to be explicit. It is my experience that, unless under circumstances of quite exceptional intimacy, an employer never will tell you all; or if he does, he will do it under the seal of secrecy, so as either to forbid you the means of testing his accuracy, or if he succeeds in impressing conviction upon yourself, to deny you the means of conveying that conviction to others. And it is surprising how, even where real intimacy exists, information will often be withheld.

The frankest among the employers plainly admit this fact. "As to telling you what wages I pay, that I never would do"—such are the words I have heard from an eminent manufacturer, now in Parliament, a great promoter of education, and a zealous opponent of trade-societies; the expression used, however, meaning apparently not so much the actual quantum of wages, as the principle on which they were calculated. Nor, it must be admitted, is the refusal unnatural. Almost all differences between employer and employed, not only those as to wages or hours of labour, but as to every most trifling condition of employment, resolve themselves, for the employer, into a question of profit. Now this profit of his upon which he lives, three separate foes are perpetually warring upon it, and trying to clutch some of it for themselves. The worker is always seeking to increase his comforts at its expense. The consumer is ever at least nibbling at it, sometimes, if he be powerful, tearing it away by mouthfuls. The other employers are unceasingly trying to annihilate it, by wresting away consumption to themselves. How can you be surprised if he tries to hide it, and the elements of which it is composed, and the means by which it is earned, from curious inquiry? How does he know whether, whilst he is in parley with one foe, another may not snatch his treasure from him? The profit-maker, it may fairly be said, so far as the particular function of profit-making is concerned, lives in a state of

nature with his fellow-men. His hand is against them, and theirs is against him. Nor, amongst his various foes, is there one so dangerous as his brother profit-maker. Were pride of position out of the question, it is possible to conceive of an employer frankly disclosing to his workers the grounds upon which his wages are reckoned; he knows that it is only up to a certain point that they can take advantage of that knowledge; they are his natural allies against the consumer, and even against the brother employer, when acting for the depression of prices. Still more likely is he to do so to the actual or possible consumer, so long as he is not immediately dependent upon him individually. But his great dread is of his brother employer—the man who is in the same position as himself—who can take instant advantage of every hint, of every unguarded admission—who is running a neck-and-neck race with him every day. Accordingly, where explicit information is exceptionally supplied, and secrecy requested, it will be found almost invariably that the ground of the request is, lest the facts should become known to neighbouring employers.

Thorough explicitness and candour are therefore, as a rule, not to be looked for in the statements of employers. With however single an eye they may look to the truth, they must keep another eye on guard for profit. They will be candid up to a certain point, but you will find a sanctum within which you will not be admitted. I will say more, you will find one within which you will scarcely ask to be admitted. An Englishman's house, we have learned in our childhood, is his castle. His profit and his income, as we learn in after age, are scarcely less so. There is an etiquette which will almost invariably forbid us from crossing the threshold of either chamber uninvited.

Now since, as I have pointed out above, almost all differences between employer and employed resolve themselves into a question of profit for the former, and he withholds, as a general rule, all explicit statements on the head of profit, it follows, I submit, as a necessary consequence, that the employer's testimony never can be accepted as conclusive, by any reasonable man, on the subject of such differences, but always requires to be supplemented from without.

The first canon which should, therefore, as it seems to me, be laid down for such investigations, is that of the presumable incompleteness of the employer's testimony, as respects matters within his own cognisance.

I have hitherto assumed the employer's testimony, however inconclusive, to be absolutely accurate and truthful so far as it goes. We have next to consider what are the limits to its accuracy.

The employer's position, as I have pointed out, has the advantage of being a central one. But, in general, precisely because it is central, it has the disadvantage of being fixed, and the circle within which his experience spreads is always a restricted one. Every great establishment is of slow growth; and the pride of every such, when

once it has grown up, is its stability. To have shifted from district to district, from one establishment even to another, except when himself ranking amongst the employed, is seldom a credit to the employer personally. His experience is therefore, primarily, that not even of his own particular locality, but of his own particular establishment; the larger and more important this is, the more of his attention will it generally absorb.

It constantly happens, nevertheless, that an employer will speak with the utmost confidence as to the conditions of labour in his own trade generally, or at least in his own district. He will write on the subject in newspapers, with or without his name; he will publish pamphlets, compile statistical tables, which will be received and quoted as if they were data of almost axiomatic truth. But if we reflect what sources of information he has access to beyond the limits of his own establishment, we shall easily see that these must be extremely slender. For, as I have pointed out already, the employer's most formidable foes are his rivals in trade. The same etiquette which makes a stranger hesitate to put certain questions to an employer, for fear of intrusion within the sacred adytum of profit-making, operates far more powerfully as between employers themselves. In establishments, of which the successful working depends either on the perfection of machinery, or on certain processes of manufacture, there are portions which few strangers are ever admitted to, least of all other employers. It is now a good many years since, going with two ladies over one of the then largest manufacturing concerns in Manchester, by favour of an introduction of the highest character, our progress was stopped at a given point till it was ascertained what my calling was, when, however, the information that I was a lawyer was obviously deemed a sufficient passport of incapacity to disarm all suspicion. Of the ladies whom I accompanied, one was a retired manufacturer's daughter, from, however, a different district. She had never been over any mill but her father's, and to account for the distrust shown, related, with the utmost simplicity, and without the slightest apparent sense of the moral bearing of the case, that her father had in his employ an overlooker, unable to read or write, and to all outward appearance undistinguishable from a common workman, but whose eye was so quick, and his knowledge of machinery so great, that in going over any establishment he could instantly detect any improved process and master its principle, so as to be able to apply it on his return to the one in which he was engaged. Now it is obvious that these "secret chambers" of the employer's establishment are the very *officinæ* of his profit, and that where the knowledge of these is withheld, as I freely confess under present circumstances it must often be, especially from the brother employer, any general data put forth by the latter, which to be complete should involve that knowledge, must be fallacious.

The plain fact is, that beyond his own establishment, the employer generally knows very little more than those of a few other employers

with whom he is on terms of exceptional intimacy, and is seldom acquainted with the whole internal economy even of these, since his very intimacy with their owners would generally forbid him from acquiring any knowledge of them otherwise than through those owners themselves. The exception to this position lies with those masters who, having succeeded in gaining the confidence of their men, have acquired, through them, a knowledge of the conditions of labour in other establishments, such as their own efforts would never have attained. But since it is a natural tendency of the human mind to generalize its own experience—a tendency, the reality of which is sufficiently proved by our surprise at anything to which we are unaccustomed, the very fact of surprise implying a presumption that our habit is the law—there is nothing to wonder at in the circumstance that general statements are constantly put forth in the utmost good faith by employers, such general statements embodying really but the experience of their own establishments, and some very limited and mostly second-hand information as to a few others.

We may therefore lay down as a second canon of investigation, that the employer's testimony, so far as it extends, is only to be accepted as *primâ facie* accurate with reference to his own establishment, and that of a very limited number of others.

But although the employer's experience be limited, it may be said, it does not follow that it is insufficient. A brick may be a fair sample of a whole lot of bricks; a single establishment may afford a sufficient idea of the great bulk of those in a trade. This is no doubt true to a certain extent; but, nevertheless, I believe it to be extremely unsafe to generalize from the testimony of a single employer. No one can have attempted any such investigation as I am speaking of without experiencing that, from the moment it is felt to be really independent and impartial, the general attitude of the employer class towards it is one of distrust, and suggests, as the first mode of meeting it, absolute refusal to supply information. Where such is obtained, it will almost invariably be from those members of the class who have least to conceal, and are too high-minded to care to practise concealment. The personal experience of these men—which will indeed sometimes be laid open with noble frankness—will always exhibit the employer's dealings under the most favourable aspect which they can bear. So far as that personal experience is enlarged by communication with others of their class, it will still be confined to similar spheres of observation. Like seeks to like; the benevolent employer is naturally intimate with the benevolent only. Dishonest and oppressive practices on the part of his fellows naturally shrink and cower away from his gaze; he is generally the last to suspect the existence of such where they are not forced upon his cognisance. Hence, in very many cases, the gallantry with which he comes forward as a champion of his class in trade disputes, the determination with which he heads it in a contest, his bitterness against the working men when they resist, often his violent and

unjust denunciations of them; his ignorance of the darker aspects of the case of his own class being often only equalled by his incredulity respecting such darker aspects, until the reality of their existence be demonstrated to him beyond the possibility of contradiction. The less honourable members of his class, on the other hand, are only too glad to see him rush to the front of the battle, to put him forward as their leader, to parade his character and authority, to quote his facts and figures as unanswerable—which they are no doubt as to him, but the very reverse as to themselves. I have known, for instance, a published letter, signed by various employers, to contain statements strictly accurate as respected the first name signed, simply false as related to the others; the honourable employer having been used as a stalking-horse by his less scrupulous brethren.

Our third canon must therefore be, that the employer's testimony, however accurate within the limits of his own experience, must be taken as presumably representing only the practice of the most upright and benevolent of his class.

But is the employer's testimony to be taken as conclusive so far as it goes, even within the apparent limits of his own experience?

It will be so in some cases, where the establishment is small enough to be entirely under the employer's eye, and that eye is constantly fixed upon it. But an element of inaccuracy is introduced, from the moment the establishment becomes too large to be habitually and in all parts under his personal supervision, or that, from the lapse of years or other causes, that personal supervision is slackened or withdrawn. I am perfectly satisfied, from personal knowledge, that foremen, overlookers, and others invested with positions of trust, frequently do acts and introduce practices entirely at variance with the general spirit of the establishment—that it is easy for them to withhold the knowledge of such acts and practices from their employers, or to present them under perfectly false colours. Even where an unusual liberty of representation is allowed to the workers, such liberty will not often be used. The worker knows that complaint is never looked upon with favour, and if repeated, may easily grow into a bad mark against him. He feels that his testimony weighs naturally less than that of his foreman; he feels that he is far more immediately dependent upon the foreman than upon the employer himself, and that it is far more dangerous to make an enemy of the former. Other foremen may be cognisant of the facts, but are restrained in like manner from denouncing them to the employer. An etiquette, jealously kept up, generally limits their respective departments; they do not wish to be looked upon as meddlers, still less as jealous of their fellows; they do not wish to make enemies. Accordingly, I feel convinced that employers, even the most energetic, never know all that takes place within their own establishments; I believe that with men of average energy, very many things take place of which they are absolutely ignorant; whilst their testimony, as respects the matters in question, may be

often quite positive and unfaltering. Amongst instances of the ignorance of employers as to the inner workings of their own establishments, I may quote the following:—

An employer, having had once a fight to maintain with a trade-society, has cleared his shop or works of society men, filled it once with others, and resolved, and directed his foreman or overlooker, never to employ a society man again. After a while, the foreman finds that he cannot do without society men; he shuts his eyes upon their re-entering the shop, and carefully omits to mention the fact to the employer, who goes on for ever repeating, with the most perfect good faith, that he has not a society man on his premises, and does his work just as well without them, while all the time his establishment is full of them, and represents, perhaps, a distinct "branch" or "lodge" in itself;

The employer is often quite ignorant of the quantity of work which is exacted by the foreman, or which may be necessitated by the adoption of some new piece of machinery, or which may result from the wearing out of the old;

The employer is often quite ignorant of the existence of a system of fines imposed by his foreman or overlookers on the workmen, and which constitute serious deductions from their earnings;

He may be openly and sincerely opposed to anything in the shape of truck, whilst it is habitually practised, without his knowledge, by those under him.

The case is even worse when an employer, growing old, leaves the working of the establishment to devolve, in great measure, upon junior partners, sons or other relations. Under such circumstances, there being no change of spirit in himself, he cannot persuade himself that there is any in the carrying on of his establishment; whilst, very often, the change which has been introduced is a radical one. Chuckling, perhaps, at the misplaced benevolence of the old gentleman, his very sons and nephews may be driving and screwing their hands with the most unscrupulous keenness. When at last, all kindly feeling between the employer and the employed having died out, the workers of an establishment, noted, perhaps, for half a century of undisturbed tranquillity, break out in a strike, the senior partner can only lift up his hands at the ingratitude of working men, and in addressing the public, as he is very likely to do, will adduce data of twenty years ago, without a suspicion that they are valueless as respects the present.

From which may be deduced as a fourth canon, that the employer's testimony, even within the limits of his own experience, however sincere, is not always accurate.

We have now to consider the limits to the truthfulness of the employer's testimony.

That the employer's testimony will exhibit, however unconsciously, a bias in favour of his own class, is no more than what every reasonable man will expect of both parties. With a few exceptions in favour of the employer class, I am bound to say that, so far as my

experience goes, there is nothing to choose between the two classes on the score of one-sidedness, prejudice, and narrowness of view—nay, that when the heats of actual contest are cooled down, the employer's pride of station renders him, on the average, more obstinate, more impervious to reasoning, more incapable of entering into an opponent's point of view, more indifferent to the reality and weight of facts, except so far as they suit his own, than the employed. And among the most hopeless specimens of this class are generally to be found those who have risen from the ranks of the employed. As the idol-worshipper turns into the iconoclast, so from bitter and unscrupulous unionists they have turned into bitter and unscrupulous masters. Feeling themselves the objects of jealousy and suspicion to the class from which they have sprung, they seek to identify themselves with that into which they have introduced themselves, by espousing its interests to the most exaggerated extent. In the case of the employer, moreover, we must observe that those very qualities of superior education and ability, which secure a *primâ facie* authority for his testimony, greatly facilitate the more or less conscious working of his class bias. He feels himself, very likely, the equal intellectually of the investigator in a general way, and, on the particular point of the investigation, his superior. He knows precisely what to say, what to withhold; he feels, as you cannot, where the shoe pinches. Very often, without anything like a *suppressio veri*, still less a *suggestio falsi*, he sees you engaged upon a track which will lead you inevitably to such a conclusion as perhaps he could not himself have led you to without some slight use of the one or the other; all he has to do is simply to let you follow your own course to the desired end. I have seen instances of the same insincerity in working men, but it is generally more coarse and detectible.

The pride of class, moreover, often leads to a *suppressio veri* on the employer's part, which is not always a conscious one. One of our national faults—according to our adversaries' judgment—is, as we are aware, never to know when we are beaten. There is no class of which this is more characteristic than the employer class. Few things are more difficult in the world than to get an employer to admit the fact of a successful strike in his own trade—though he may perhaps do so for another. When compelled to yield, moreover, he has an instinctive adroitness in shaping concession so as not to look like defeat, and technically to repel still demands which substantially he is granting.

But this is not all. As between employers and workers, we are always, as I have observed, tempted to consider the employer as a man of honour rather than the worker. In our dealings with him we are too often practically reminded that he is not. The moment of a trade dispute is not one when we should suddenly forget the existence of the frauds of trade. Dispassionately to weigh the testimony of an employer, we should bear in mind that the use of false trade-marks, adulteration, short weights and quantities, the enormous

puffing of comparatively worthless articles, are practices not confined to the struggling employer of the lowest class, but extend, in some trades, almost to its very summit; that, above all, wherever the system of large contracts under keen competition prevails, the larger contract in such cases generally branching out into sub-contracts, often through many gradations, almost every species of dishonesty may be too often looked for. Whenever such evils exist, we have not the slightest right to suppose that the mind of an employer, once warped into dishonesty as respects one order of dealings, will remain strictly honest as respects another order of such dealings; we have not the slightest right to disbelieve an employer when he prints everywhere that an article, which we know to be inferior, is the best that can be had, and to believe him the next moment, when he tells us that he pays the highest wages in the trade, and that his workmen are a set of rogues and liars.

It is difficult to found any general rule upon the considerations last dwelt upon. We may, however, draw the conclusion, that the prevalence of fraudulent practices in many trades should induce caution in accepting the testimony of employers as absolutely truthful, where not authenticated by their character.

To this may be added, that where information is supplied by employers, and is not poured out by the really benevolent in the fulness of their honesty, it will generally be supplied by the clever and dishonest, in a designedly garbled or spurious shape, so as to act as a blind to the investigator or to the public. For generally, the next frankest man in the world apparently to one who has nothing to conceal or disguise, is the man who means to do both. It is impossible to indicate any positive safeguards against such deception. But, so far as my experience goes, any profession of extreme benevolence or impartiality towards the employed is to be distrusted. The most prejudiced assertor of the class privileges of the employer, the most passionate denouncer of the tyranny and dishonesty of the employed, is often more to be relied upon in his statements of fact than the smooth-mannered employer, who speaks as if his sole object in life were to benefit his workers, and sighs for the day when they will be sufficiently educated to see the folly of their unions and strikes.

II. *The Testimony of the Employed.*—If we turn from the employer to the employed, we shall find the testimony of the latter, in the first place, generally less easy of obtainment. The cases are comparatively few in which the investigator approaches the question from the worker's side in the first instance; though this may be the case, especially as respects the less highly remunerated trades, for those who, as district visitors, teachers at Sunday schools, &c., may be brought into sudden contact with the miseries of a trade crisis. It is true, moreover, that of late years the employed, rising gradually to a higher level of education, have been able to state their case more frequently through the public press, and have thus both supplied some elements of documentary evidence on their side, and have

facilitated access to their leaders and their meetings. But in very many cases still, the world of labour lies for the outside investigator as behind a locked door to which he has not the true key, and he may stand fumbling at the key-hole for a long time without seeing it open before him. Again, in spite of the progress made of late years, the working men of England are unfortunately still very imperfectly educated, too often possessed of little more than the rudiments of book-learning. The same men who will speak with clearness and effect—who will exhibit great powers of organization and government, of shrewd perception and quick decision—may be almost unable to put pen to paper, or if they do, will show themselves so incapable of marshalling their facts and their ideas, as to remain perfectly unintelligible. As a general rule, therefore, oral testimony must always be sought for from the working man. The difficulty of obtaining this, it need not be said, is often great, nor is it always sufficient to reach the point of personal communication; for, owing to the narrowness of the sphere within which the employed has lived and worked, it is often quite impossible, without an interpreter of his own class, thoroughly to understand the very point of his evidence. Nay, so wrapped up is this sometimes in local technicalities, that I have known a formidable strike to be impending over a whole district in an important branch of industry, of which men in the same trade within a neighbouring district have admitted to me that they could not succeed in making out what it was about. The case of the employed is therefore mostly 'he last known, and requires most trouble to follow out. Imperfect ducation naturally brings with it prejudice, narrowness of view, nd all the errors to which the undisciplined intellect is prone. 'ut the worker's intellect is not only undisciplined, but undeveloped. ecustomed, more or less, to act as one of a class, often of a mass, wants generally the sharpening which results from individual sition and its responsibilities, the quick decision, the far outlook. t unfrequently he may be found superior in power and tone nind to his master, while practically less clever. But too often the other hand his deficiencies in education and training are mpanied with a recklessness of habit, which tends of course eprive him as a witness of at least all the outer respectabilities h generally accredit the employer's testimony. As a general moreover, the worker is little, if at all, before the world; he is seldom worth powder and shot in libel or slander. Contrary employer, the employed has no right to claim any *primâ facie* rity for his testimony.

ain, assuming him to be well-to-do beyond the average of his to possess a fair amount of instruction and mental discipline, sition as a worker must always narrow the worth of his ny; for that position is subordinate, and always more distant from the centre, the nearest parts to which are d by the necessary staff of managers, cashiers, clerks, foreverlookers. Hence he never sees the various elements of

which the trade is composed in their due proportion; the details which most closely affect him always assume in his eyes an exaggerated importance. Wages being his sole concern, he is apt to measure all the employer's acts by reference to them; to treat him as if solely occupied in devising the means of reducing them. To such a state of high-Tory obstructiveness may he be brought by this habit, that, in some cases, not the slightest alteration can be introduced into machinery, plant, or discipline—even when devised without the slightest thought of affecting his position, or for the very sake of improving it—which he will not look upon and be ready to resist as a deliberate attack upon his well-being. It must not, indeed, be overlooked that alterations, such as I have spoken of, can very seldom be effected without bearing in some way upon labour. The substitution of a lighter piece of machinery for a heavier, may render the labour required in reality harder by increased quickness, more dangerous by greater liability to accidents, &c. The substitution of iron for wood in the bottom of a measure may increase the quantity of material required to fill it, and thereby the amount of labour required to extract, dress, or convey it.

On the other hand, the worker's testimony, however clouded by imperfect education, however partial and narrow through his position, is, I believe, generally more explicit than that of the master. The investigator from without may often meet, on the worker's part, with great distrust in the first instance. He has been so little used to be cared for except by himself and his fellows, that he cannot understand what motive a third person should have for seeking him out. Should you, however, succeed in convincing him—1st. That you are not a spy of the master's; 2nd. That you do not want to extract money from him for your own purposes; you will generally find this distrust wear away, till it is succeeded by a frankness almost, if not quite, absolute. This applies even to what is supposed to be kept most secret—his relations with his fellows in their trade organizations. No doubt there are still towns and trades in England where the rules and proceedings of these bodies are, I fear not without reason, guarded with jealous secrecy from strangers. But in other cases, even printed rules of secrecy are found to be utterly thrown aside in favour of any investigator whom working men believe to be honest, impartial, and not unfriendly; he is invited to meetings, minute books and accounts are thrown open to his inspection.

There is nothing to wonder at in this; for in fact the employed, as such, has nothing to conceal, and could not well conceal it if he had. For, unlike the fluctuating profit of the employer, confined to a limited number of hands, his wages are openly paid at the week's end in the presence of his fellows, at a rate generally common to many of them. The employer in a large concern may withhold from you the sum he pays in wages, because he knows that it would be practically impossible for you, by individual inquiry and calculation, to reproduce the exact figure. The individual work-

man would be a fool to withhold from you the figure of his earnings, since any of his fellows who is franker than himself could easily ascertain it, and the employer or his foreman could always supply it if he chose. No doubt he is almost always disposed to put forward his minimum earnings, as the employer, if he quotes an individual figure at all, will be disposed to put forward a maximum one; but this source of error can easily be allowed for or corrected.

From this we may deduce as a canon, that, not having the same motives or facilities for concealment as the employer, the testimony of the employed as to his own earnings, properly checked, is generally more correct than that of the employer.

Nor is this greater presumable accuracy confined to his own present earnings. The worker is almost always more or less locomotive; sometimes almost nomadic in habit. Illness, the failure of his employers, slackness of work, a strike, a private quarrel, the wish "to better himself," the mere love of change—a hundred such causes will make him leave the employ of one master for that of another, pass from one district, from one county to another. His experience thus, within however narrow ranges confined, becomes far more varied generally than that of the master; he becomes acquainted with a far greater number of his fellows. He is thus mostly a far more competent judge than the employer, both of the fluctuations in the conditions of employment for labour within the range of his observation, (which indeed seldom extends much beyond a given district,) and of the average of those conditions.

This is especially striking if he be a member of a trade society, or more particularly one of its office-holders. Through the periodical meetings of a lodge or branch, still more of the society at large, the experience of one becomes, to a great extent, the experience of all. In a large and well organized society, indeed, statistical data are often at hand, or may generally be collected without much difficulty, of surprising and unimpeachable value respecting the history of the labour-market—data beside which the most elaborately tabulated statements of employers, however authoritatively put forth, are but as the sweepings of the goldsmith's shop beside the solid bullion.

The testimony of the employed should in particular always be sought in reference to any particular establishment whose employer has testified in favour of his own class. I have already pointed out what sources of inaccuracy there may be in the employer's testimony, even as to his own establishment. The testimony of the employed will sufficiently check any such inaccuracy if it exists. Sometimes, thank God! there is none to correct. I have heard of a journey undertaken by a working man to a particular establishment in Yorkshire, (the head of which this Association is proud to reckon amongst the members of its Council,) for the very purpose of verifying statements, which he deemed to be incredible, respecting the condition of the workers there, and of his returning from his visit, after full communication with the employed, to proclaim that every statement

made was more than borne out by the facts. But, even in such cases, the testimony of the employed is useful as a means of ascertaining whether the establishment in question be a typical or an exceptional instance of its class. I should not, therefore, fear to say, that the testimony of the employed as to the conditions of labour within his own trade, spreads generally over a wider field, and is presumably more reliable, than that of the employer.

Such testimony, indeed, it must be said, errs generally a little on the darker side. The very best establishments are those respecting which it is often least available. For in these the condition of the employed shares more or less in the fixity of that of the employer. It is a privilege to enter them; an act of folly to leave them; so that the ordinary workman has little chance of passing through them. The good understanding between master and man which prevails in them renders trade differences of very rare occurrence, makes the men employed indifferent to the protection of trade societies, or, at least, unfrequent attendants at their meetings. The consequence is that trade societies are often actually unaware of the peculiar privileges allowed to the worker in certain establishments, which are, perhaps, considered by the outside public the most prominent representatives of the trade, whilst within the trade itself they are only known as quite exceptional members of it. Again, it will generally happen in any given establishment, that the most forward of the employed to give their testimony will be the least contented among them.

We should, therefore, observe the caution that, without intentional insincerity, the testimony of the employed as to the conditions of labour seldom exhibits those conditions in the most favourable instances; and since the employer's testimony, as we have seen, is generally confined to these, it will easily be seen how great must often be the divergence between the two. It follows hence, that the line of average should be drawn a little above the level indicated by the employed, decidedly below that which the employer probably insists on.

But we must now add, as the next canon, that, beyond what relates to the conditions of labour, the testimony of the employed has very little authority.

The testimony of the employed as to the employer's profit is especially unreliable. Generally quite unable to ascertain its elements, too often to appreciate them, he frequently confounds gross profits with nett, and almost invariably greatly exaggerates the latter. Starting from an exaggerated idea of profit, he is naturally led to exaggerate everything which he supposes to flow from it—his employer's wealth, the value of his property, the purchase-money of his estates.

On the other hand, it would be unwise to dismiss as wholly worthless the testimony of the employed on matters lying outside of his own immediate cognisance, but affecting the interests of the employer, and the general condition of his establishment. He has

often means of information of his own. The local shopkeepers, who are more or less, and sometimes mainly, supported by the custom of the workers, usually side with them, and are often able to give them many a useful detail as to prices and other matters. Foremen, overlookers, clerks, though following the fortunes of the employer in a trade-dispute, are often in sympathy with the workers, or retain habits of intimacy with the best of them, even whilst out upon strike, and are thus, designedly or otherwise, often the channels of communication with the employed for facts of the most important bearing, the knowledge of which the employer never suspects of having passed beyond his private room. Sometimes, I am afraid, the same class of men make a practice of selling each party to the other, so as to keep well with both.

By these, or other means, the employed almost invariably know more as to matters beyond their immediate cognisance, than the employer imagines, or than he would choose to communicate. But such knowledge is generally so much mixed up with what is misunderstood, exaggerated, distorted, or absolutely spurious, that careful scrutiny, and corroborative testimony from other sources, is always requisite to test its real value.

I have hitherto, as in examining the testimony of the employer, assumed the testimony of the employed to be truthful. It may be radically dishonest. I have known a meeting of working men, not by any means of the lowest class—skilled town artisans—in which the lie was so freely bandied about, and a tone of such evident debasement of moral feeling prevailed, that it was not only impossible to ascertain where the truth lay, but one could only draw the conclusion that they were all rogues together. We have no right, indeed, to forget that the workman is too often trained to insincerity and dishonesty by his employer's example. Almost all the foul practices of the dishonest employer are carried on through the instrumentality of his workmen. It is one of the worst features of those trade frauds, that, like a lump of filth thrown into a well, they sink through and pollute stratum after stratum of society. The grocer adulterates through his shopmen, the baker through his men; the fraudulent manufacturer has his false trade-marks made for him, placed on his goods by the hands of those employed by him, his short quantities and short weights measured by them; for him the flimsy calico is thickened with starch by others, for him the silk made heavy with gum, for him the devil's-dust worked up into the semblance of good cloth. The fraudulent builder employs the bricklayer to fill up with rubbish the wall that should be solid brick; the fraudulent railway contractor teaches the navvy to cut off the ends of the paling which should be fixed to a given depth in the ground, that the work may be quicker done. So far as the influence of the dishonest employer's rascality extends, what right have we to look for truth and honesty, any more than for life and health beneath the shade of the upas-tree?

On the other hand, the very prejudice and passion of the working

man, his want of mental discipline, are to some extent safeguards of his sincerity. He is too impulsive often for anything like deliberate falsehood; his very lies seldom deceive. When it is added, that he is seldom in a position to lie singly with effect, that his testimony is almost invariably liable to be checked by that of his fellows, it will be seen that a great presumption is supplied in favour of his sincerity. And I am bound to say that—quite apart from any fear of discovery or calculation of consequences—I have found among the better class of working men in most trades with which I have had to do, a habit of uprightness and truthfulness, and where their confidence was won, a manly frankness, which, with a very few noble exceptions, I have not met with amongst employers. No doubt there are many exceptions to this amongst the working classes; there are even, sad to say, whole trades which appear to be utterly demoralised and degraded, so that truth and honesty are not to be looked for amongst them; but I believe that what I have said would generally hold good, and I do not fear to lay down as a last canon, that the testimony of the better sort of working men, however blinded often by passion or prejudice, is generally more sincere than that of the employers.

But we may go even further. Through imperfect education, the workman has often correct instincts which find utterance in incorrect formulæ. So far from the merits of his case being always, as would be supposed from newspaper comments, enhanced and coloured by his rhetoric, I am satisfied, by experience, that he frequently does not know how to put it forth, and at times is not even aware of its full strength. Very frequently, for want of general book-learning, the single man in a trade who wields "the pen of the ready writer" becomes almost of necessity its authorized exponent, and, through his own deficiencies, expounds very badly. His fellows adopt his exposition, sometimes because they do not understand it, sometimes because they know what they mean and suppose he must mean the same, sometimes because, deeming all the world in league against them, they don't care what he says; more often perhaps still, because they feel themselves unable to correct his mistakes. And so a totally false colour is put upon the case at the first, which the public for ever thereafter adopts as the true one. Thus many a trade difference is fought out to the triumph of the one side or the other, without the public ever understanding the real issues of the conflict. In other instances again, not only through imperfect education as before, but chiefly through difference of social position and narrowness of view, the workman, so far from overstating his case, does not even fully understand it. There may be concert, of which he is aware, in the proceedings of several employers; conversely, still oftener, there may be differences of position among them which if he bore them in mind, would place those proceedings in entirely different lights. Accustomed to view the employer as his adversary he may overlook the still fiercer rivalry between employers; he may victimize by a strike one who is already the victim of a close

rival, mistake the smoothness of the one for moderation, the violence to which the sense of a false position goads on the other for intentional tyranny; or again, the noisy assurance of a third for the pride of leadership.

III. *The Testimony of Third Parties.*—It scarcely needs to be added that, both as to employers and employed, the testimony obtained should always, as far as possible, be supplemented from other sources. This is no doubt often very difficult. In certain branches of industry, there are intermediate classes who are often in a position to supply valuable and correct information, as coming in contact with both masters and men. Such are viewers of mines, architects as respects the building trade, engineers, surveyors, certain classes of brokers, sometimes clerks, or sub or small contractors, &c. &c. But in many cases, even these classes are content to take their facts and opinions from the employers, and you may find men among them who have never opened their lips to a workman except to give him an order. Nay, it often happens as to clerks, that instead of receiving facts and opinions from their employers, they supply or try to supply them with both, pandering to their every prejudice, paralysing their best intentions, stopping the truth from reaching them, and by their *hauteur*, their want of sympathy with the worker and ignorance of his habits and feelings, their inveterate red-tapeism, causing or prolonging half the disagreements which occur between master and men, and fretting everything they touch into a sore. Still more often there is between the classes no intermediary deserving to be called in anywise independent—no one but the foreman, whom the investigator has no *primâ facie* right to question; who, even if willing, through circumstances of personal acquaintance or intimacy, to give him information, can only do so confidentially.

I have endeavoured thus roughly to point out a few of the leading conclusions to which I have been led by an experience in these matters, now not of yesterday. I have not sought in the least to disguise the difficulties of such investigations, nor the absence of perfect accuracy which is to be expected in their results. I believe that nevertheless, however imperfect, these investigations are of infinite value whenever honestly carried out. The great point in this age of exaggerated individualism is to teach employers and employed that they live not to themselves alone, that the eyes of their fellow-men are upon them, that they are members of the great body of the English nation, charged with a great function which they have to fulfil in due harmony with the rest of their fellow-members, and for the common welfare of the whole body;—that they have no more right to fall out and disagree amongst themselves, and cause inconvenience and ruin perhaps to others by their disagreements, than the hand has to tear the face or the breast;—that the very fact of their doing so is a proof of disease or madness. Lastly, that the successive abolition, under a genuine free-trade policy, of all those legal fetters which in almost every other country weigh, indeed, upon industry, yet in doing so nevertheless to some extent hinder its worst internal

convulsions, only renders it the more incumbent upon them to submit to the control of an enlightened public opinion, of an enlightened public morality, so that "having no law," they may indeed "be a law unto themselves."

The Strike of the Stonemasons in London, 1861—1862. *By* FREDERIC HARRISON, *Barrister-at-Law.*

AT the close of the struggle for the "nine hours movement," in 1859 and 1860, the Conference of the United Building Trades announced, upon its dissolution, that the effort to reduce the hours of labour was not abandoned, but adjourned.* During the summer of 1860 two public meetings were held, at which resolutions were passed in favour of continuing the agitation. During the course of the year 1860, the great activity prevailing in the building trade in the provinces enabled the workmen to claim and obtain either a rise in wages, or a reduction of hours (in several cases both combined) in most of the principal towns of the north and west of England. The masons have obtained and now enjoy the nine hours' day, without a corresponding reduction in wages, at Halifax, Huddersfield, Bradford, Rochdale, Todmorden, Bacup, Bury, and some other towns. They have obtained the same hours at reduced wages at Edinburgh, after a strike of some duration. At the same time they have obtained the half-holiday, or shorter hours on Saturday, without reduction of wages, at Manchester, Liverpool, Birkenhead, Blackburn, Preston, Ashton, Bolton, Stockport, Stafford, Altrincham, Leeds, Bath, and Bristol, and other towns. In some cases this has been accompanied with increased wages. Altogether, the masons report nearly 100 places at which, since the beginning of 1860, the position of their trade has been improved, in increased wages, shorter hours, or privileges, (such as trade rules agreed upon by both parties,) and in most cases by means of successful strikes. It appears that upon the average a rise in wages equivalent to nearly 10 per cent. has recently taken place in their trade in most parts of England, including nearly all the larger towns.

At the opening of the year 1860 great activity prevailed in the building trades of the metropolis. Immense railway and drainage works, the new Exhibition, and Horticultural Gardens, and other buildings at Kensington, and three new hotels of the largest scale, created a great demand for labour. It was determined by the various unions of the building trades to renew the agitation for the "nine hours," under the impression that the great demand for labour, and the necessity of completing many great works by a certain day, would lead to the desired concession. There does not appear to be any evidence

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* See *Report of Committee on Trades' Societies*, 1860, for account of previous ses, p. 53.

that a strike was distinctly contemplated. It seems to have been the impression of their leaders that the state of the labour market might enable them to obtain the demand by agitation. No evidence exists either in the minutes of the societies or in any documents circulated amongst their members that other methods had been under consideration. It is admitted on all sides that the condition of the operatives and of the unions was far from being one which could justify or encourage them in commencing a serious struggle.

The hours of work were, as they had been for many generations, ten hours per day, or from 6 a.m. to 5.30 p.m. ($1\frac{1}{2}$ hours being allowed for meals). On Saturdays they had had since 1847 the privilege of leaving work at 4 p.m., receiving the full day's pay. The rate of wages was the same as it had been since the year 1853, 5*s.* 6*d.* per day, thus giving 33*s.* for the week's work of $58\frac{1}{2}$ hours, or a rate of about $6\frac{3}{4}$*d.* per hour.

Whilst the ten hours had always been considered as the day's work, extra work had always been paid for per hour after that period. For many years it had been a constant source of struggle with the unions and the operatives as a body to restrict "overtime" to cases of actual emergency. As a rule they claimed and obtained an increased rate for all work done after the ten hours' day.

On this topic much discrepancy occurs. It is clear that there was no rule quite invariable. But it appears certain that for the last few years the masons have never, the bricklayers rarely, worked "overtime," without receiving "time and a half," or an advanced rate of 50 per cent., one hour counting as an hour and a half. In these two trades the unions had a local rule to this effect, which attached a penalty of £2 to every case of its infringement. In the case of the masons these local rules were agreed to by the trade generally, and seem to have been enforced upon unionists and non-unionists alike. The plasterers claimed "time and a half" for overtime, and appear to have obtained it in most leading cases. But it was not a rule of their unions, although steps were being taken to introduce it. The carpenters, as a body, had not obtained "time and a half," but in many cases they received it—in some instances having "time and a quarter," or an advanced rate of 25 per cent. As a rule, the efforts of all the unions and trades had been for many years directed towards the abolition of "systematic overtime," the demand for increased rates of payment being regarded as the principal means of discouraging it amongst the masters.

On the 7th of March the unions of the respective building trades sent to the Masters' Association, and to the various firms of the metropolis, after a previous vote of their members, memorials in favour of the "nine hours' day," of which the following from the masons may serve as an example :—

"Gentlemen,—We, the operative stonemasons, once more respectfully solicit you to concede to us the privilege of working nine hours a day, instead of ten. This question has been so fully laid before you, and is so well comprehended by both employers and employed, that it is unnecessary to enter into it at any

length on this occasion. The reduction of the hours of labour is so deeply rooted in the minds of the working classes of the community, that they will never discontinue the agitation thereof until the object be attained. Believing, as we do, that it is the only effectual way of improving our position and giving us opportunities of obtaining those advantages of mental improvement so extensively offered by the numerous and increasing institutions now in existence—and gentlemen, you are doubtless aware that the employers in many of our provincial towns have already granted the nine hours per day to their workmen—we, therefore, trust that you, the employers in this the first metropolis of the world, will no longer withhold from us that which we have been so long striving to obtain—viz., the reduction of labour from ten to nine hours per day, thereby promoting that good feeling which should subsist between employers and employed, and that in twenty-eight days from the date thereof we may receive an answer in the affirmative. "F. W. GRAY,

"March 7. "On behalf of the Operative Stonemasons."

These memorials met with no reply.

On March 15th a notice was issued by three firms, Messrs. Kelk, Lucas, and Axford, announcing the introduction, on the 23rd, of the hour system of payment, at the increased rate of 7*d.* per hour. That of Messrs. Lucas was in the following terms:—

"To the Workmen of this Establishment:—On and after Saturday, March the 23rd, it is proposed to make the following alterations in the rate of wages paid to skilled mechanics and labourers:—

"The present rate of wages in London for a skilled mechanic is 33*s.* per week of 58½ hours, or about 6¾*d.* per hour, and for a labourer 20*s.* per week of 58½ hours, or about 4*d.* per hour. We now propose paying skilled workmen in London 7*d.* per hour, being an increase of wages at the rate of 1*s.* 1½*d.* per week, and labourers 4½*d.* per hour, being an increase of wages at the rate of 8½*d.* per week.

"This arrangement of payment by the hour will enable any man employed by us to work any number of hours he may think proper, being paid for the time he actually works, in accordance with the above increased rates. It is hoped that this arrangement will secure that hearty co-operation and good feeling we have at all times been desirous to establish between ourselves and those engaged with us. "LUCAS Brothers."

This notice was issued only by three firms, Messrs. Kelk, Lucas, and Axford, but there is reason to suppose that it was issued with the consent or rather by the decision of the other members of the Masters' Association. The *Times* of March 28, apparently writing upon information supplied by the association, stated that "the terms, in fact, were opposed by some masters as being more than they could afford. Ultimately, however, thinking that by so doing they would amply satisfy their men and put an end to all further differences, they consented." From this paragraph it appears that the masters had determined to introduce the hour system in detail and by degrees, but that considerable difference of opinion existed as to the policy of the new step.

In the course of the week following the notice, several meetings of the men in the employ of the three firms were held, at which resolutions were passed against accepting the new system, and deputations from the various trades waited upon those gentlemen to express to them the opinions of their workmen. Upon this, Messrs. Axford consented to withdraw the notice. Messrs. Lucas and Kelk adhered to their resolution. They were reported to have explained to the

deputations that they could not consent to their men working nine hours under the new system; that they should at once supply the places of those workmen who refused to work ten hours. They explained that it was not their intention to permit the nine hours' rule to be established in their works, that they would always remain open for ten hours at least, but not longer, unless a majority of their workmen should desire it. They further stated that as they had introduced payment "by the hour" they did not recognise "the ten hours' day" or any fixed day, and that, consequently, no claim for extra pay as overtime could be allowed.

The men consequently interpreted the notice to mean that they would be at liberty to work as many hours as they pleased after the day of ten hours, thus changing that period from the maximum to the minimum, and that all right to extra pay for overtime and other rights depending on "the day" would be at an end. The tendency of the new system would thus be, they apprehended, to render uncertain and irregular, and probably extend the hours of labour, to disturb many recognised customs, and reopen many subjects of dispute. This fear receives some confirmation from the language of the *Times*, which warmly adopted from the first the merits of the new system, and which continually represented it as tending to prolong the hours of work, distinctly stating (March 27) that "the system of working by the hour would unquestionably lead to overtime."

On the 23rd of March, the day fixed for the introduction of the new system, the skilled workmen in the employ of Messrs. Kelk and Lucas, to the number of 500 or 600 men, ceased work. Amongst the various bricklayers and plasterers the strike was almost universal. Out of about 450 men of these three trades, not more than from 5 to 10 are reported to have remained at work. About 100 carpenters also joined in the strike, but one body in this trade remained. Of those who had struck, about one-half, in some cases a considerable majority, were not members of the trade unions. By this step most of Messrs. Kelk and Lucas's works were suspended, being in some cases left without a single skilled workman. They remained in this condition for some weeks until fresh workmen could be procured, which was done chiefly from the provinces. After the second week of the new system, Messrs. Kelk and Lucas announced that their works would close on Saturdays at one p.m., thus allowing a half-holiday and making the change effected by the new system not an increase of wages, but a reduction of time.

During the month of April, Messrs. Smith, Messrs. Gammon, and Messrs. Trollope, introduced the hour system, nearly all the masons, bricklayers, and plasterers in their employment, and some of the carpenters, striking work. Messrs. Trollope state (in a letter in the *Times* of February 23rd) that their workmen had previously memorialized them in its favour. The men on their side state that the memorial was unknown to many of those they employed, and that in fact thirty of their workmen left them upon the introduction of the hour payment.

Early in April first appeared the terms of a compromise, which was subsequently adopted by all the trades as a substitution for their original demand. At a meeting of the bricklayers, held on April 10th, a proposal was considered which had been suggested to their committee by an eminent master builder, in concert with some other well-known firms, that the men should accept, as a mode of closing the dispute, payment at the following rate:—6*s.* per day of 10 hours for five days, and 3*s.* for the half-day on Saturday. These terms were accepted by the meeting. This proposal gave 33*s.* per week of 55½ hours, as against 33*s.* for the week of 56½ hours under the hour system. As this involved the same payment and, with a trifling difference, the same number of hours as that proposed by Messrs. Kelk and Lucas, the question became one simply between payment by the hour and by the day.

In the beginning of June the masons appeared to have obtained the impression, from the replies given by the leading firms to their deputations, that it was intended by the masters to introduce the new system in detail, and finding that three firms gave notice (June 4) of their intention to introduce it, contrary to a previous undertaking not to do so, and finding that Mr. Myers, the principal employer of masons, was under an engagement to do the same, they decided upon striking against all employers alike, for the terms contained in the compromise—*i.e.*, the ten hours' day and the half-holiday on Saturday at noon. Accordingly, on the 10th of June they ceased work generally throughout the metropolis, to the number of about 700, until these terms should be conceded. They were at once agreed to by about twenty firms, chiefly very small employers, and subsequently, down to the close of July, by about twenty others. Amongst these firms were those building the Hungerford Railway Bridge and the Westminster Bridge across the Thames, besides one or two other firms of importance, employing fifty or sixty masons each. Upon this strike of the masons, a considerable body of the masters introduced the hour system, and, on the 1st of July, about twenty-five firms, including all the principal, had done so. They explained their intentions to deputations from the men, in the same manner as Messrs. Kelk and Lucas had done. One or two great firms maintained the old system, as well as the great bulk of the small employers, who retained on the old terms about three-fourths of the entire building trade.

The bricklayers still as a body refusing to work under the hour system, demanded the terms of the compromise only from a few firms, by some of whom it was adopted. The carpenters, upon the more general introduction of the hour system, retired actively from the contest, continued to work under the new system, and having (July 1) published a protest in the newspapers, agreed to support the masons' and bricklayers' funds. The plasterers were remaining at work chiefly on the old system, most of those who struck having found work in the provinces. The painters, as usual, took little active part in the dispute, but supported the other trades.

During the course of the contest the masons offered to submit (June 24) the whole question, unconditionally, to the arbitration of the Council of the Institute of Architects, but this proposal was declined by the Masters' Association. No other proposal for arbitration or settlement of the dispute seems to have been made. Much irritation was caused amongst the men by the use of sappers and miners by the Government upon the works of the barracks at Chelsea, which were being erected by contract, and the progress of which was interrupted by the masons' strike. A deputation from the United Trades' Council of London had an interview with the Secretary of War, who consented to withdraw the military workmen.

For several months the introduction of the new system caused an almost total stoppage of many great works in course of erection. Great efforts were made by the principal employers to obtain workmen from the country. In the case of masons, this was almost impossible, and the few who were brought up, at considerable cost, were obtained in Scotland. Most of the London masons in the meantime found work in the provinces, where building was very active, whilst silent scaffolding and empty yards were seen in London. It is quite certain that during the whole of the summer and autumn of 1861, the principal works on which masons were employed were supplied with very scanty and very inferior workmen. No other employers of labour but the twenty-five members of the Masters' Association had introduced the hour system, which then remained very partial. In the meantime, the masons on strike were supported by the Masons' Society of England, by nearly all the trades' societies in London and the country, and, in some degree, by independent contributions.

Early in the autumn of 1861, it was proposed to the entire Masons' Society of England, at the recommendation of one of the provincial lodges, to levy the sum of £100 by weekly contributions, paid by every member of the society throughout the country. This proposal was put to the vote of each lodge in England separately, and being approved, has been carried out and continued until the present time. The Stonemasons' Society of England consists of upwards of 10,000 members, and extends throughout the country. It is managed by a committee elected for a year by general vote, who communicate with the provinces by means of a fortnightly report or circular. Every act of the society is decided upon by votes taken on each question in the separate lodges by voting papers, and transmitted to the central board. It thus affords a perfectly complete system of self-management in the truest sense independent, since no step can be taken, unless it has been agreed to by all the local bodies deliberating and voting separately, each of which has entire freedom to submit any proposal whatever on its own account, and none of them being in any way under the control of the central committee. It thus appears that the resistance of the masons of London to the hour system was deliberately approved by more than 10,000 of their fellow workmen in every corner of England, who freely taxed them-

selves weekly to support them in their resistance, and continued that support without any system of pressure or agitation whatever for fourteen months. Those who look upon a strike as an occasion for a few angry platitudes about "the dictation of a few selfish agitators," or "the pothouse conspirators living upon their deluded victims," &c. &c., should explain to us by what arts 10,000 of the most skilled workmen of England, meeting together week after week in town and country, from one end of the island to the other, to discuss this matter, were induced to persist in one unanimous opinion, and maintain it by a tax continued over sixty weeks. Men must have a strange idea of the nature of their artisan fellow-citizens who can suppose this an effort of mob oratory, of impudent intimidation, and who see nothing but coercion in a system of self-government so orderly and so independent.

But this is far from giving the measure of the support which the masons received. Throughout they were actively maintained by the Trades' Council, a body representing the united unions of the metropolis, the chosen spokesmen of 60,000 organised workmen. This body, claiming to act on behalf of the most skilled workmen of London, assisted the masons on strike by active assistance and countenance. Throughout England the same feeling has been shown. The various associations of workmen in the provinces who steadily contribute to the fund number many hundreds. There is scarcely a single occupation or trade or a single town of any importance which is not found in the list.

Were the support thus given a casual or temporary one, it would be less significant, though even the expression of sympathy from 100,000 or 200,000 men regularly organised in societies need not be considered as quite unimportant; but in this case it has been a support in money, received in many cases by a voluntary weekly levy, and continued in one form or other over a period of more than a year. In that time, from £10,000 to £15,000 has been raised, and the committee has been able to pay to each mason out of work an average sum of 15*s.* per week.

These facts are not wholly without their meaning. It is no doubt true that if 1,000,000 instead of 100,000 men subscribed out of their wages to a strike fund, it would not prove that the original quarrel was just. The lists of contributions proves nothing whatever as to the merit or defect of the hour payment; but it proves this, that vast bodies of working men of England look upon the change with great repugnance, and are willing to sacrifice something to resist it. It proves also that, whether the conduct of the London masons was wise or not, it, at least, has been deliberately approved by immense numbers of their fellow workmen throughout the country, and has stood the test of long consideration and much self-denial. In fact, were the hour system the most beneficent arrangement ever desired, it has certainly met with a resistance, which, from its extent, its method, and its long duration, is at least entitled to consideration, and alone suffices to prove that the vituperation with which

that resistance was received was at least as ignorant as it was violent.

The mode in which the agitation was conducted was the following:—Each trade acted separately. No united conference existed either nominally or actually. Each of the trades directed its own committee at open meetings. These committees were distinct from the committee of the union, though in all cases consisting of members of the union. They were all actual working men, receiving a small daily payment for their services, in no case exceeding the regular day's wages. The funds were made up partly from the men's own resources, partly by general subscriptions, and partly from other trades. Out of these funds the men on strike were supported, whether members of the union or not. All general resolutions were decided upon after a discussion and vote at a general meeting, at which non-unionists as well as unionists both spoke and voted. Amongst the carpenters, a system of representation exists by means of which delegates from the lodges of the union, and delegates from the non-unionists at the various shops, sit together in nearly equal proportions, meeting regularly once a week and deciding on all questions affecting their trade.

A considerable body of evidence and careful inquiry seems to show that the strike was actually commenced and carried out by the workmen generally, without distinction of unionists or non-unionists, that in the leading trades a very small percentage accepted or submitted to the new system, and that the places of those who struck were filled with the greatest difficulty and with very inferior workmen. It seems clear that all the ordinary devices of strikes and lock-outs were resorted to on both sides. No cases of actual violence were brought before the public tribunals; but it seems clear that very serious intimidation was practised by both masters and men. Indeed, the practices of the two parties seem singularly similar. The action of the association was at least as questionable as that of any union, and the acts of coercion on the part of the masters at least as serious as those of the men. But whilst both sides seem freely to have used the unworthy stratagems practised so often in these civil wars of society, the charges of systematic misrepresentation and evasion seem to rest chiefly with the partisans of the masters, and that to a degree which is almost incredible.

The first thing, in fact, to be noticed in the foregoing account is, its entire disagreement with most reports circulated by the press. The readers of the *Times*, for instance, were bound to believe that the men had in the first instance struck against certain firms for the nine hours, who, in self-defence, introduced the hour system; that under the hour system the men could work nine hours, or not, as they pleased; that the sole ground of objecting to it was that it would put an end to the trade of the agitators, and that this resistance accordingly (the bulk of the trades being well-disposed) was confined to a few unionists. They were not informed that the masters steadily refused to permit nine hours' work on any terms;

that a body of men were actually discharged for insisting on nine hours' working for nine hours' pay; that the real objection to the new system was, that it left the men without the certainty of a regular length of day and without the ordinary payment of extra wages for overtime. It is impossible for the public to form any true judgment upon a case of this kind, unless the facts are fairly stated and they have the means of knowing what it is that either side claim or reject. No danger could be more serious than that the working classes should come to feel that suppression or distortion of the facts of trade disputes are employed against them by the organs of the wealthy, and nothing can so much prejudice any cause as the use of such artifices in its support.

The fact is, that the questions involved in the present dispute are very numerous and complicated. The proposal for the payment by the hour is apparently very simple and unobjectionable. But in reality the change involved in it is very great. It entirely alters the whole basis on which the customs of the trade rest. Very serious consequences are stated on one side or the other. On the one hand, the masters affirm that payment by the hour is the simplest and fairest method of calculating wages; that it avoids the complication of half and quarter days; that it apportions the wages strictly to the work; that it gets rid of all questions relating to the full payment for the short day on Saturday, and disposes of the demand for a reduction of time without a reduction of wages. The men, on the other hand, assert that the change, whilst apparently being one merely in the mode of payment, in reality seriously affects their whole position. In the first place, it abolishes "the recognised day," upon which nearly all the customs of their trade are based. Only by means of possessing a fixed period of work, they contend, can the day's labour be made regular. It has been their constant effort to make the day of labour as fixed and regular as possible, resisting, as far as possible, its extension during summer or its diminution in winter. It is clear that continual struggles have taken place against the introduction of systematic overtime during the long days, and the introduction of broken days with proportionately diminished wages during the short days of winter, when a reduction in their wages is most severely felt. They are aware that this practice is the obvious interest of the masters, and almost a necessity of their trade; but that, unless carefully checked, it has a tendency to increase to a degree which is very injurious to the well-being of their class. With the loss of a fixed standard of time they apprehended the loss of the main check upon alternate long and short days of labour. In the second place, the great instrument by which overtime has been checked has hitherto been the extra rate of payment for all work done after regular hours. Under the new system they lost this as well.

Upon this point much difference of opinion and some misconception prevails. It has been argued that the unions resist all overtime, and therefore cannot reasonably insist upon the extra pay for over-

time as a privilege, much less complain of a system which abolishes the chief inducement the workman has to work overtime by depriving him of increased rate of payment for all such work. Now, undoubtedly, the unions in the first instance oppose all "overtime," but they regard the extra pay for all overtime, if necessary, on cases of emergency, as a very substantial check upon the practice. It operates not to induce the workman to work over hours, but to prevent the master from desiring it. It is clear that in no other case could the men have inserted this in the union rules and enforced it by a fine. That this view of the case is the true one is obvious from similar cases in many previous trade disputes, especially that of the engineers in 1851, against whom precisely the same argument was urged. The rule respecting extra pay for overtime exists in a great variety of trades, and has invariably been regarded as operating as a check upon the exaction of overtime.

There are at the same time other consequences involved in payment by the hour. All the inducements it offers as a means of simplifying the payment of wages are nothing else but the removal of all the conditions which custom has created in the trade. Apart from any question of their usefulness, it is certain that these customs are much prized and jealously guarded. The hour payment tends to place all work upon the footing of job or piece work, notoriously unpopular with the men. It necessarily tends to reduce to a minimum the relation existing between employers and employed. It is unknown, it appears, in any skilled trade in England, and although familiar enough in employments where no relation of master and servant exists, is only seen where that relation exists in the most degraded and struggling classes, such as among the dock labourers. By this system a workman is employed for exactly as many hours as may be required, and may then be dismissed without the least claim for broken time or a wasted day. Its tendency would thus be to obtain the maximum of labour with the minimum of consideration for his permanent existence or condition. Throughout most parts of Scotland the system (so called) of payment by the hour exists, and is popular with both parties. But there "a recognised day," as well as extra pay for overtime, exists in the most distinct manner, so that it is a system of hour payment without its main feature, viz., an indefinite number of hours at a uniform rate of payment.

It does not appear that any objection would exist amongst the men to payment by the hour, accompanied with the conditions mentioned. Indeed, the obvious facilities and convenience afforded by payment by the hour, and the necessity of getting rid of the cumbrous method of calculating half and quarter days (long virtually superseded by an actual system of calculation by the hour) must make the system of payment by the hour eventually prevail. But it is a very different consideration, whether, when introduced, it ought not to be accompanied with recognised conditions as to the period of labour and proper substitutes for the former privileges of the men.

The main feature of the system of payment by the hour undoubtedly is its tendency to render the hours of labour uncertain and variable. Exactly in proportion as it simplifies labour, it makes it liable to indefinite variation. The great weight of concurrent evidence, and the catalogue of strikes and trade disputes arising out of the length of the day's work, leave no doubt of the immense pressure at times exercised upon the workman to compel him involuntarily to work longer than he desires. An almost complete unanimity seems to show that it is the leading idea of the workmen as a class to abridge or render definite the hours of labour. For this end they seem always ready to incur severe loss and future privation. It seems to be a characteristic of each trade in proportion to its intelligence and general prosperity. It precedes all desire for increased wages, and seems now to be taking the place of all other general aims, either political or social. To shorten the period of labour is become almost the passion of the entire working class. There is hardly a trade in any part of England in which it is not at this moment a subject of agitation or contention. By this means alone, they appear to think, can their position be permanently raised—their social importance recognised—their means of moral and intellectual improvement used. To render the hours of labour variable—to extend them, or make them precarious—is of all things that which is the most pernicious to the well-being of the entire class. This is the ground of their resistance to the hour system in its actual form. To men in this frame of mind it seems hopeless to urge that they are violating laws of political economy in seeking to impose conditions on labour. By combination alone do they attempt to gain their object. By this means they see in thousands of cases that their object is gained, and that permanently. The condition of their trade, their own prosperity, their wages and prospects, are seen by them constantly to be rising or falling in proportion to the strength or weakness of their own organisation. They see some conditions self-imposed upon all kinds of labour, upon all professions, and all employments. Markets, exchanges, law courts, and offices, open and close at regular hours, as does every occupation, in short, where the labour of one man depends upon that of others. Factories, works, and shops of all kinds must, in like manner, have common hours for all employed in them. Ultimately those hours must be settled by common consent. To ascertain that consent by regular action, and some satisfactory machinery, is what the men claim. Where labour can only be exercised in common with a vast number of others, it is sophistical to talk of each workman making his own terms with the employer. There is always, and must be, a third party to the contract—the fellow-workman. The hours of labour depend as much as anything upon his will. To propose, therefore, to leave the employer to deal with the employed individually is to deprive them of their natural advantage in making the bargain—the facility and means of combination.

So long as, through want of sympathy or interest, the real condition, wants, and claims of the working classes are misunderstood, so long it will be impossible that the merits or even the facts of a dispute of this kind should be rightly seen. So long as men persist in regarding the working men as the victims of selfish agitators, and look upon all their claims for intellectual or social improvement solely as pretexts for increased gain, and whilst all conditions imposed by consent upon labour are held to be devices invented by the indolent for their own purposes, so long the true meaning of their struggle must remain a source of perplexity. I see no other way in which this prevalent belief can be combated, except by repeated personal testimony. After constant intercourse, and almost daily conversation with these men during the recent dispute, I must say for myself that I feel satisfied that, upon the whole, the best men of their respective crafts are those who take the most active part in the struggle—the best as workmen and as citizens—and that, on the whole, their aims are really directed towards the intellectual and moral elevation of their class. It seems to me that the trade rules or regulations contended for are, at least in object, really intended to advance these aims, and to be, however questionable in detail, in the main conducive to that end, and in many cases necessary to the efficiency and well-being of the trade. Nor can I withhold my belief that the individual leaders in the recent strike—men whom I have had constant opportunities of judging—really possess the confidence of their class, and on the whole deserve it, as men who are honestly labouring for the public good, often at much personal sacrifice and effort, and in some instances exhibit a truly high character and intelligence. Lastly, I am convinced that in this case, as elsewhere, for the most part, the union comprises the most valuable portion of the workmen, and exercises an influence in the main (notwithstanding many gross errors) absolutely essential to the class, and very valuable to the community. Those who oppose that influence are a trifling minority, too often the indolent, the selfish, and the disreputable. It is the worthless workman whose harvest is a strike or lock-out. He it is who desires variable hours and overtime, to compensate for wasted time by occasional periods of excessive labour. There are some amongst the most valuable workmen who condemn many of the acts of the union, but on the whole they do not mistake the advantages it offers. It appears that only by recognising the legality of unions can this action be made healthy and useful; unless the great benefits they confer be admitted, their many inherent evils cannot be rectified; and without a clear idea of the hold upon the whole life of the working man which they possess, it is impossible to judge fairly their objects or their action. Great as their deficiencies are, it seems that in their gradual improvement and expansion is to be found the best means for the progress of the industrial classes, and the best guarantee of social and political order.

NOTE.—Since the foregoing paper was read, the strike which it records has

been brought to an end. After continuing the resistance for fourteen months, during which period the masons' work in London had been practically suspended, the society resolved to return to work under the new system, reserving to itself the power of resisting any instance of an attempt to use it for the purpose of prolonging the hours of labour. This policy has been found effectual, and the "day" for which they contended has been virtually conceded. Thus, whatever be the ostensible issue of the struggle, the real result is anything but failure to the men. They struck not so much against the system of payment by the hour as against a system which threatened irregular and extended hours. The new system has been virtually modified, so that it can no longer be used for the end for which it was undoubtedly intended. At the present moment a state of things exists in the building trade full of confusion and future danger. The plan which was to introduce universal harmony has been the cause of a long contest. That which was to simplify all hiring has been adopted by twenty-five out of 400 or 500 employers. It is accepted by about one-fourth of the London workmen, and by them under protest, and the system which was to close for ever disputes respecting the "nine hours' day," is the system by which in Scotland the "nine hours' day" has been obtained by a series of successful strikes. The details involved in this strike, like so many others, are such as unprofessional persons cannot easily master: but the lesson to be learned from it is obvious. It is that the public and its instructors were somewhat hasty in assuming that the conduct of the workmen was monstrous and malicious, and that the elaborate and free system of self-government, by means of which their opposition was directed, was something very different from conspiracy or intimidation.

Building Trade Disputes in Scotland, 1861-2. *By* H. G. Reid.

In 1861, Edinburgh was the scene of the only important trade dispute that has taken place in Scotland for many years, and a brief account of it, as bearing on the question of strikes, may be interesting. For a considerable time the "nine-hours' movement" had formed a subject of discussion among the building operatives in Edinburgh; and towards the close of 1860 circulars were sent round the different shops with the view of ascertaining the general sentiment,—the result being that with a few exceptions the men recorded their names in favour of the reduction. Accordingly, in the beginning of November, a communication was sent to the employers intimating that the men had resolved to commence working 51 hours per week, instead of 57, or nine hours on the first five days of the week and six hours on Saturday—agreeing to a proportionate reduction in their wages; this arrangement to come into force on the 1st of March, 1861. A similar course was adopted by the masons and joiners, it being understood that the other branches of the building trade sympathised with the movement.

At the request of the Master Builders' Association, (which includes both masons and joiners,) a deputation of workmen connected with both trades had an interview, about the middle of January, with the masters' representatives. On this occasion the reasons for the request, and the objections to it, were fully and freely stated and discussed; but no satisfactory means of agreement was indicated.

The deputation of workmen withdrew in the expectation that some further and more definite communication would be made by the Masters' Association. The next intimation, however, which the workmen received, was a large bill posted up in the respective establishments, announcing that they would be expected to work 57 hours as formerly. Thus did matters stand when March came, and the anonymous bill being regarded as official, the movement was brought to a certain crisis—the men preferring a disagreeable contest to giving up a position they had so deliberately assumed.

Without going minutely into detail, the leading facts may be briefly stated:—

About 37 building firms adhered to their resolution as expressed in the bill, and 865 operative masons ceased working; while 37 firms, employing upwards of 400 men, acceded to the new arrangement. At the same time, about 400 joiners were turned out, firms employing about 100 men having granted the request, and a number continuing to work on the old system. Thus, altogether, between 1,300 and 1,400 men left their employment in March—the masters, it may be added, declaring they had struck, while the men maintained they had been "locked out"; the general opinion being that the dispute partook of both elements.

The history of the joiners is soon told. Without organization, without adequate funds, the alternatives of want or yielding for the time soon presented themselves, and the men wisely accepted the latter. Previously, however, the following resolution was adopted at a general meeting of the trade, held on the 22nd of March:—"That the joiners resolve to resume work on Monday at the fifty-seven hours per week. Though still adhering to the principle of the nine hours, this step has been rendered necessary in consequence of the number of men who have never come out, and the want of funds necessary to continue the contest." The joiners having thus disappeared from the scene, the contest was left to the masons, to whom our subsequent statements refer; it may, however, be mentioned, that the joiners have since formed a National Association, containing the protective and benefit elements, and that a large number have already given in their adhesion.

As the struggle continued, public meetings of the operatives were held, at which addresses by representatives of different trades were delivered, and at one of which a master builder, favourable to the movement, presided. The objects generally urged by the operatives were:—the necessity for more regular relaxation, the unhealthy nature of the building trade, and consequent importance of shorter hours so as to lighten its pressure on those engaged in it, and to afford more time and greater facility for mental and social improvement. The members of the Employers' Association also frequently met by themselves, and, as showing the views on this side, I give the following resolution adopted at a full meeting held on the 7th of March:—

"That considering the usual working time of operatives in the

building trades to be neither oppressive, nor assisted to any extent by machinery, or by their own increased skill; considering also that the wages of the operatives are not such as to warrant the proposed reduction, and that an increased rate, if given just now, would seriously check the prosperity of the building trade in Edinburgh, this meeting is strongly of opinion that the demand of the operatives for shorter hours is uncalled for, and that it ought still to be refused."

After the dispute had lasted several weeks, efforts, originating on different sides, were made to effect a settlement. From the first the operatives expressed their readiness to submit the case to arbitration, but this was not agreeable to the employers. On the 18th of March, however, mutual deputations met to discuss the question. On the part of the operatives there was then produced a resolution, adopted at a general meeting, expressing the workmen's willingness, in the event of the nine hours being granted, to enter into an engagement that they would not ask any increase of wages for twelve months, provided that the employers did not offer any less than the present rate, binding themselves in the same manner as the operatives. This resolution, it was explained, had been adopted in order to remove the difficulty that had been raised, that the ultimate aim of the movement was to obtain an increase of wages. On various grounds the employers refused to entertain the proposal, and no settlement was arrived at. It ought to be stated here that the "out-roll," as the list of those on strike was designated, had been reduced from 865 to scarcely 250, the men having been either taken up by nine-hour employers or sent to different parts of the country where, in general, they had been previously made aware that work could be obtained. During the contest the number was gradually reduced to less than 100—an important fact, as strengthening the hands of the operatives by reducing the pressure on their funds.

At two different stages the directors of the Master Builders' Association suggested plans of settlement, but as these were never formally adopted by the association, and consequently never communicated to the operatives, though made public through the press, they need not be further noticed here.

Gradually the contest reached a very critical point; it was found to be injuriously affecting other branches of trade than those immediately concerned, and both parties seemed to be getting heartily sick of it. Another conference was proposed, this time consisting of eight employers, and an equal number of operatives, it being part of the stipulation that representatives of the press—which on the whole dealt fairly with the workmen, at least fully and accurately reporting their proceedings—should be admitted. After some correspondence, a conference was mutually agreed upon, and arrangements made for carrying it into effect. At the first meeting the employers proposed a settlement to the effect that the Operatives' Society should take off all restrictions from those who were willing to work ten hours a day, intimating this by public advertisement, and that if

this were done, the masters would allow the men to work either nine or ten hours per day as they thought proper. To this the operatives objected, and replied, that they had never used any restrictions—that the men were unanimous for the nine hours—and that it would be a degradation to make any such announcement as that proposed. The operatives also submitted a proposal, viz: "That besides renewing their previously proffered guarantee not to ask any rise of wages for a period of twelve months, they would agree to work an hour longer on Saturdays, and that, should the nine-hours' system be found unworkable, or in any way injurious to the trade, they would meet the employers at the termination of the first year, to consider what could best be done in the circumstances." This arrangement did not meet with the approval of the masters; another meeting was held, and after much discussion, and some recrimination, the conference ended without any practical result. These meetings, which took place early in May, created much interest; and, having attended one of them, I can bear testimony to the general fairness, ability, and spirit, by which the discussions on both sides were characterised. After this failure, separate meetings were held, at which each party raised the flag of "no surrender!" And thus did matters continue till Friday, the 13th of May, when the operatives' committee received a communication from the secretary to the Master Builders' Association, intimating that the employers deemed it inexpedient to prolong the contest. Thus terminated this long, keenly contested, yet withal temperate dispute, having lasted exactly three months.

A few collateral facts must be here added as tending to throw light on certain phases of the short-hours' movement in Scotland. The system of payment by the hour, which has occasioned so much discussion in London, was adopted here, as nearly as can be ascertained, about seventeen years ago; it is general in Scotland, and approved of by both operatives and employers; indeed, workmen have often declared that they would strike against any attempt to introduce a change. The nine-hours' system has now existed fully twelve months, and all concerned appear to be satisfied; there is at least seeming harmony between employer and employed. What is called "time-and-a-half" is paid for over-work; and the scarcity of hands and pressure of work after the settlement led to a slight increase of wages. It ought also to be stated that during the contest the masons received the sympathy and practical aid of the working classes throughout Scotland—whose battle it was thought they were fighting. The building operatives liberally contributed towards the funds, and by this means, with the capital of £3,000 possessed by the Edinburgh Society, the Committee was enabled to pay those on the "out-roll" at the following rates:—Unmarried men, 10*s.* 6*d.*, and married, 15*s.* 6*d.* per week—leaving of course a considerable balance. As showing the general tendency, it may be further stated that the plasterers have obtained the nine hours "for the asking," and that the joiners and other trades are moving in the same direction. It is

also worthy of note, that immediately after the termination of the dispute, a Co-operative Building Company was formed in Edinburgh, with a capital of £10,000, in shares of £1 each. This company has fixed on a piece of ground, at the rate of £20 per acre, capable of containing forty houses. Eight of these have been completed, and another sixteen are in course of erection. The houses are "self-contained," each having a commodious kitchen, room, and bedroom, with requisite conveniences, and a small garden attached. Fourteen of the houses have already been sold at the rate of £130 each, the purchasers, without an exception, being working-men who are in most cases to reside in their "own castles." I mention these particulars, as they are regarded, in some measure at least, as a result of the late dispute.

In this paper I have purposely refrained from any positive expression of opinion. From personal observation and documents readily supplied, it has been my aim to give a fair statement of facts, leaving deduction and comparison to others. I cannot, however, conclude, without saying that, so far as my experience goes, the best section of the working-classes are decidedly averse to strikes, and that a conviction is growing that while the Union should be maintained, there is in co-operation a new and higher power.

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*Should Apprenticeship be under Indenture?** *By* GODFREY LUSHINGTON, *Barrister-at-Law.*

APPRENTICESHIP is a subject often passed over by writers on Political Economy, yet perhaps few are more worthy of attention; for it is neither more nor less than the all-important question of Trade-Education. It involves also other questions of hardly less moment. Especially it seems to offer the first and best battle-ground for the discussion of the great problem, whether trade admits of organization or is to be consigned for ever to mere *laissez faire.* I say the first battle-ground, because education for trade comes before trade itself, and if there is to be any exclusion from trade of supernumerary labourers, apprenticeship is the natural doorway where such exclusion can be effected; and the best, because education from its nature and our experience of it seems, if anything, the proper subject of systematic action. As a matter of fact, moreover, apprenticeship has been and still is the constant source of serious trade disputes. For years it has been the *vexata quæstio* in the Sheffield trades and amongst the Liverpool shipwrights; in 1858 it was the origin of the great lock-out of the flint-glass makers throughout the United

* This paper is an attempt to represent the result of the information supplied in answer to the questions concerning apprenticeship circulated by the Association. It is to be regretted that this information proceeds almost exclusively from the operatives.

Kingdom; and for a like cause the whole building trade of the city of Dublin was, not many years since, in a state of chronic derangement. On the present occasion I have no intention to go into the whole subject of apprenticeship; I shall propound only one question—Whether apprenticeship should be under indenture?

A few preliminary words, however, explanatory of the general nature of apprenticeship, may be an assistance. Apprenticeship is a system of trade education. A trade, at any rate every skilled trade, has to be learnt. Now if you want to learn anything, whatever it be, the most rapid and economical way is to get a teacher who will teach it you directly and systematically. This is a universal rule. A boy, therefore, who wishes to enter a trade had better at once put himself under one who knows it—a teacher. But then the teacher must be remunerated. Yet what remuneration can a poor boy, the son of poor parents, offer? He has no money. Here lies the difficulty, the solution of which is apprenticeship. He has no money now, true; but he hopes some day to make some, when he knows his trade; let him give to the teacher a mortgage upon his future years of labour. Apprenticeship then is a system whereby a master engages to teach a youth, and in return the youth engages to serve his master for a certain term. This term of course varies in length in different trades in proportion to the amount of skill required, but in all alike it may be roughly divided into two periods; the first, during which the master teaches gratuitously, ending at the point when the labour of the apprentice just begins to be of value; and the second, during which the skilled apprentice works gratuitously, naturally closing when the master has received in service the equivalent for his own trouble in teaching. To this term must be added a supplementary period of service, as a return to the master for any wages he may have paid to the apprentice in order to prevent him being a mere burden to his parents—wages at first only nominal, but increasing gradually, until at the close of the apprenticeship they amount to one-half or perhaps two-thirds of journeyman's wages.

I mention these particulars in order to make clear that the first thing in apprenticeship (as is denoted by its very derivation—from *apprendre*, to learn) is for the lad to be taught; when this has been accomplished, then, and not till then, has the master the right to appropriate the lad's labour for his own purposes; that it may be clear too that, whereas in other agreements for education the remuneration is paid in money, and paid either before or concurrently with the giving of the instruction—in the agreement of apprenticeship, the instruction is necessarily given first, afterwards comes the remuneration, and that not in money, but in kind, viz., labour spread over a term of years. The law also holds a distinction—considering the important consequences of an apprentice agreement, how that one party is pledged to furnish a complete trade instruction, and the other party (through his parent or guardian) binds himself to a continuous service for a period of years,—the law requires an apprenticeship to be under indenture, in other words, to be an agree-

ment made in writing and duly stamped. Without these formalities an apprenticeship is neither illegal, nor encouraged; it simply cannot be enforced on one side or the other in a court of law.

Bearing in mind what has been said, let us proceed to the question before us—whether, the law remaining unchanged, the apprenticeship should, as a matter of policy, be made under indenture? To some persons this might seem a question incapable of discussion, on the ground that what the law recognises, that must be the best. But this is not necessarily so; for if indentures were really inconvenient, then, as they are not rendered compulsory by the law, it would be well to dispense with them. Again, it is quite possible that an unindentured apprentice may be duly instructed, and his master duly served. A custom might prevail to this effect, indeed in many places does so prevail; and a custom, wholly unrecognised by law, is often, and especially in trade matters, as efficacious as a law itself, and sometimes more convenient, as it admits of proper exceptions. But the question requires thorough discussion for this reason most of all—a reason to which I beg to call the attention of this Department in the strongest way possible—that in nearly every trade throughout the United Kingdom the system of apprenticeship under indenture is giving way before a system called apprenticeship, but which is not under indenture, and often not even in writing. In order to exhibit the normal tendencies of the two systems I will draw pictures of two apprenticeships—one under indenture, the other without. And first, suppose an indenture is duly made and executed. Mutual obligations are at once thereby fixed; the master is bound to teach, the lad to serve, each under the penalties of the law. Each also, on other grounds, finds it his interest to carry out these obligations to the full. It pays the master to teach, for he is sure of his reward; in a few years he will have taught the lad his trade, and then for the remainder of his servitude will receive from him journeyman's work at apprentice's wages. He knows, too, that the credit of his establishment is at stake in the success of his apprentice. It pays the apprentice to learn, for he knows that upon his efforts now depends his livelihood hereafter. This obligation upon the master, be it observed, extends to instructing the lad in his whole trade, not a particular part of it. Accordingly, the rule is progress, where progress is possible; at first perhaps the lad only spoils material, and gives a deal of trouble, requiring constant superintendence, but by and by he is able to do plain work unaided, and step by step, as soon as ever he is fit, he is initiated into the finer and more complex operations of his trade, until at last he is equal in skill to a journeyman. The wages are of course moderate, paid generally by the day—an arrangement convenient to the lad's father, because he knows what to expect from his son at the end of the week—occasionally, however, by the piece, but not until the apprentice has gained at least some degree of efficiency, and then only as an encouragement to industry; it is not allowed to lead to overtime. On the contrary,

the master requires from the apprentice a full day's work and no more; there is a time for him to come and a time to go, but there is no overtime. Overtime is a practice which may exceptionally be suited to a pressed journeyman, in haste to make money for his wife and family, but which is quite out of keeping with the terms of the apprentice's contract, which are that he is to be allowed to learn his trade, and in return gratuitously to give his master a fair day's work every day throughout the year. On the other hand, regular, not immoderate hours of labour, are exactly the training which forms habits of steady industry; and the apprentice thus enters his trade in the same manner as he hopes to follow it through life; without loitering, yet without haste. But industry is not only required of him, it is also superintended; he works under the master's eye; quality is looked to, not quantity; scamping is not tolerated; the lad must do his work well. I need not tell you one sure consequence of this, that our apprentice, like other persons who acquire skill, soon gains an affection for his work and a pride in doing it well. He is cheerful too; he feels he is learning his trade; he can look forward with hope. Nor is discipline wanting; the master is master, and his authority for the present hour is felt all the stronger because it is to last for several years to come. The apprentice is in a state of strict dependency, but, mark, not a servile dependency, but one suited to his years and also to his noviciate position; it was undertaken by his parents for his behalf; it is recognised by the trade and enforced by the law; and in due time will confer on him a status of plenary honour in the trade. The apprentice, therefore, besides trade instruction, learns a proper respect for his superiors. "When I first went apprentice," writes a journeyman potter, "we had to know our place; we were not allowed to use our tongue to the journeymen; we knew behaviour, and we respected those put over us, and this had a good influence on us for the future." But this respect is not of fear more than of affection. It would be strange, indeed, if it were otherwise; if both parties did not by long experience get to know and trust each other; if the master, seeing the boy's skill grow under his care, did not take an interest in him, were it only as in his own handiwork; or if the lad failed to look up to his master to whom he owes everything he has learnt, his whole stock-in-trade in fact, and who, he knows, can be repaid by nothing short of continuous service to the end of the term. He learns what it is to be faithful to a faithful master. A good relation this, surely, and one that in trade disputes hereafter may be hoped to stand in good stead to both parties, and not to them only, but to others, brother masters and brother operatives, and to society at large. Well, in due time the end does come, the lad is free; he receives his indenture, and perhaps with it a small present as a token of good will from his master. He is proud of this indenture; there it is, a memorial of servitude served, an outward and visible sign that he has learnt his craft, that he is now a man in the trade. Probably his master will retain him

for a while to give him a start in the world, and neither party is in a hurry to break a connexion so long established; if not, he goes elsewhere, his credentials with him, and with these he is a journeyman all the world over, capable not only of doing any kind of work offered to him, but also of instructing others to become like himself. In short, the trade has gained one more efficient member, an honour to his class.

Such is the picture I draw of an indentured apprentice.

Now I would call attention to this fact, that all these happy results flow from a single cause—the establishment of obligations. Obligations! a welcome, though to modern trade ears a strange sound, this word "obligations." It is cheering to know that in these days the law still expects the master, in one respect at least, to be something more than a cash purchaser of the commodity of labour; that the shop may be not only a money-making, an article-producing place, but may rise to the dignity of an operative-training school. And observe the character of these obligations; they are mutual: the master has his set of duties, the apprentice has his. And the obligations of both do not, like those of employer and operative, begin and close with the day or even with the week; they last for years long; a great help this in trials, which in trade, from the frequent fluctuations, must constantly arise. The master and apprentice know that they are tied together, man and boy, for a term of years for better or worse, and so naturally make the best of each other. Lastly, these obligations can be summed up in one—the relation of teacher and pupil. What in other departments of instruction that relation means or can be made to mean, we know—opportunities for wise direction and fatherly care on one side, for obedience and gratitude on the other, for patience, industry, and fidelity on both. Why should it not mean the same in trade? Nay, why should it not mean more? No teacher can have such direct pecuniary interest to do his duty by the pupil whom he has to instruct, as the master who is to get the benefit of the skill of his apprentice. No pupil has so much to lose from disloyalty to his teacher as the apprentice, whose bread in after years depends directly upon the stock of knowledge he can acquire under his master and his master alone.

And now to the other picture, of an apprenticeship without an indenture. To begin with, the very term is a misnomer; such an apprenticeship is not an apprenticeship at all. No tie is established; the master can dismiss, the boy can leave, at will. The master is not bound to teach, nor the apprentice to serve. Nor is it likely that the master will try to teach, seeing that if he should spend any trouble or money in teaching the boy, he will gain nothing by it; for the boy, as soon as he knows himself to be worth anything, will be off in quest of another master and higher wages. But in point of fact the boy was never taken for the purpose of being taught. His master is probably one of those masters who, having no legitimate footing in the trade, seek to obtain one by underselling their neighbours, by producing inferior work at less cost, by employing the

cheaper and inferior labour of apprentices; who multiply apprentices *ad libitum*, to dismiss them in slack times rather than pay them their small wages, and to replace them by a fresh batch when trade revives. Our apprentice, therefore, finds that he has been taken not to be taught, but to be used; that his master's object is not to give him a start in the world, but to get as much out of him as he can. He is kept to coarse plain labour, the finer kinds of work he never practises himself, nor (if the establishment is such as I have described) sees others practise. He is put on piece-work, and encouraged to work overtime. Indeed, if overtime be enforced, he has no way of resisting it except by leaving. Unfortunately, however, he is but too apt to fall in with this arrangement. A youth of his age seldom looks far forward, and, perhaps, without the encouragement of an instructor, has no ambition to seek new difficult kinds of work. On the other hand, these long and irregular hours at coarse piece-work, bring him in plenty of money, which may seem to him, perhaps even to his father, (who should know better,) some compensation for the loss of instruction in his trade. But this money is really a curse; it is too much for him to be able to spend wisely; it is uncertain in amount, and he is tempted to keep back part of it from his parents; hence constant quarrels at home. In short, these large wages are made at the expense not only of his future prospects as a journeyman, but of his health, and his present peace and well-doing. Further, if the first duty of the master to instruct his apprentice is thus neglected, it is out of the question to expect anything higher. How can a master care for a lad on whom he has spent no pains, who is here to-day and gone to-morrow? or how can a lad look up to a master who will dismiss him perhaps next week, if trade be slack, and who, he knows, is all the time only using him? Well, indeed, is it if he judge not all masters by his own. And then the right to leave at any time operates most injuriously; the boy thinks in a year or so he will be able to earn enough elsewhere to be independent. He is unruly, bumptious, and fancies himself a man before his time. Well, one day he has a quarrel with his master, or thinks he can better himself elsewhere; so off he goes on tramp, and thus early acquires pernicious unsettled habits. And this roving life has a peculiar temptation of its own. On applying for a new situation the lad is tempted by the prospect of better wages to represent that he has served a longer time than is really the case. He appears as a stranger, and carries with him no paper to put his word to the test. So he becomes an impostor, and very often with seeming success. But there will be a heavy penalty to be paid for this, as will be seen by and by, perhaps by himself, certainly by his fellows. At last, however, his seven years are really over, he may now call himself a journeyman, and look for a journeyman's work and a journeyman's wages. But, no! His first application to the master whom he has just served as an apprentice is met with an excuse that trade is bad, or that he does not want a journeyman just now; but it is added, "if you like to remain on at apprentice-wages, you

may." He rejects this offer and goes elsewhere. But here again the same trouble meets him from having no indenture to show. The new master to whom he applies, suspects him—"You're not a journeyman," he may say, "you're only a big apprentice; or if you are, you are a young looking one. I don't mind giving you something under a journeyman's pay." Perhaps the lad accepts this offer, and takes his seat by the side of a regular journeyman. Presently the employer says to the latter—"You see what that journeyman is working for, you must work for the same wages or go." And the regular journeyman, if trade is generally slack, and if he has no society to protect him, must accept the terms or go. Thus the absence of indenture leads directly to a general reduction of wages. But perhaps our apprentice finds it best to refuse the offer of the new master, or, perhaps, cannot find work at all, and returns whence he came to stay with his former master at high apprentice wages. A galling thing certainly for a man to have an additional year of servitude! And this may happen of course to a good workman as well as to a bad. No credit either to the master, who thus takes an advantage—he knows all the time he is doing an injustice—but then he has been so often deceived before into paying journeymen's wages to imposturous apprentices, why should he not now square the balance? and, after all, he has never been under any obligation to the lad, why then should he give him more than he can get elsewhere?

Now if this is the case of an individual apprentice, what will be the result if it becomes the system? The trade will be filled with operatives "who are men in stature but not in skill;" men unskilled and to remain unskilled, for youth, and in general youth alone, is the time for learning; men who dislike their work, as bad workmen always do—who are discontented with themselves and suspicious of their masters, whose work is not standard work, and therefore not worth standard wage; above all, men who are a plague to their neighbours. The public grows accustomed to cheap articles, and to put up with what is inferior; the best journeyman finds the demand for his good labour diminish, and sees his wages sink to the level of the worst. The work degenerates; the best masters are driven out of the market; the whole trade decays.

Such is the result of apprenticeship not according to law. It does not of course so show itself in every case; there are many instances of masters failing to do their duties as prescribed by the indenture, and of other masters doing theirs, although there is no indenture to bind them. But the experience of most trades shows that the certain tendency of dispensing with indenture is to degrade apprenticeship from being, as it ought to be, a school of instruction, and to foster the bad habit of systematically procuring a substitute for skilled and well-paid labour in the cheap, because inferior, labour of mere boys, who ought to be learning, instead of remaining hewers of wood and drawers of water. In the potteries, indeed, such a system is openly avowed; there you may see apprentices hired, like journey-

men, for the year—"A shameful way of doing business," as one of my correspondents justly says.

In this state of things, is there no redress? If an indenture is all that is wanted, would it not be a simple remedy to make indentures compulsory? Not indeed by statute—for Parliamentary legislation, even if not unwise from the beginning, is far too inflexible to meet the shifting conditions of trade—but by rules voluntarily made and recognised by the trade. Objections, however, will not be wanting, and from every class. There will be political economists, saying, "Doubtless one system is better than another, but save us from your rules; trust to free trade and competition; these unindentured apprentices, these unapprenticed operatives, will soon sink to their proper level." But the answer is: free trade has been tried and has failed; quantity of labour it may procure, it cannot procure quality: in whatever trade the system of indenturing has declined—in the tailoring trade, in the pottery trade, in a host of others—there the skill of the operatives has correspondingly deteriorated, and the prosperity of the trade has declined. And after all, this clamour for free trade in labour seems only a prejudice against all organization, bred by past suffering from really unjust rules—unjust rules, such as the Statute of Apprentices, which compelled a servitude of seven years for all trades alike, although different trades can be mastered in different periods of time; or such as those mere protectionist rules passed by some trade-unions, confining apprentices to sons or relatives of men in the trade, and indeed all unjust rules of legislation in other matters as well as in trade itself. But a rule requiring indentures is not contrary to free trade rightly considered. It leaves trade open to all, simply prescribing proper conditions for such as choose to enter it. And an indenture is a proper condition, if it can be shown that there is a general *consensus* that without an apprenticeship it is impossible to become a qualified workman; and that an apprenticeship without an indenture is generally not an apprenticeship at all. It would seem then that free trade furnishes no better grounds of objection to a normal apprenticeship in trade than to a diploma in physic, or to a title to orders, or to a call to the bar. Again, free trade, whilst preaching the expediency of leaving grown-up men to take care of themselves, has now (after a struggle) consented to make exceptions in favour of boys and women, and to grant them special protection. As Factory Acts guard the health, so a normal apprenticeship guards the trade education, of children and youths.

But what is the feeling towards such a rule of the two parties particularly concerned, masters and men? Masters, as might be supposed, are in general loud against all rules. So long indeed as they are confined to the undersellers, a class of masters described by a correspondent as "the enemies to trade," but unfortunately a class daily increasing, these objections may be dismissed without consideration. But there are other masters of a different character who also object. These men uphold the system of apprenticeship, denounce the abuse by the undersellers, indenture their own apprentices, or

at all events duly instruct them: they employ only skilled labour, and steadily refuse to pay journeyman's wages to any but those who have kept a full probationary servitude. They are, therefore, highly respectable: still the reasons given by them for their objections are often questionable. The expense of the stamp was wont to be pleaded as an excuse for omitting the indenture; but the reduction of the stamp duty from 21*s.* to 2*s.* 6*d.* has not increased the numbers of indentures. A more modern reason is that masters do not wish to saddle themselves for years with a disagreeable apprentice. But hear how an operative potter deals with this argument. "One of our employers," he writes, "does not indenture his apprentices for this reason that, if they don't please, he can part with them. Not please! —why, you can't put old heads on young shoulders, nor is it likely that lads will conduct themselves as men—it is the duty of an employer to teach the lads to please. I served my time with the same gentleman; I was twice during that time dismissed for bad work. The truth is, I was so fond of fun, that I paid no attention to my work, but then I got no pay for such—well, I was set on again, and when I grew up, I took delight in making good work, and, when I was done with my term, I was discharged, and received the character of 'good and steady workman.' So much for the 'don't-please system'!" But the reasons ordinarily brought forward by masters are such as these; we don't mean to give up any of our rights: we wish to remain masters of our men, and masters of ourselves; not to be bound by the conduct of other employers, still less by the dictation of the Union. Now surely this is setting up a master's rights a little too high; a man may be a master, and yet he has not the right—as certainly now-a-days he has not the power—to fix the conditions of labour without consulting the men whom he employs, and, directly or indirectly, the Union to which those men belong.

At all events this is a misconception by the master of his own interest. For if what he has most to dread is to be driven out of the market by the multiplication of cheap inferior manufactures, his sound policy must be not to stand alone, reserving to himself the liberty of entering the race of unfair competition, trusting that, if the worst come to the worst, he too may play successfully the low game of underselling; but to bring about trade regulations against such practices which shall bind all, himself included, so that those employers who are "the enemies of trade" may find it difficult to meet with imitators amongst masters, or to draw supplies of labour from the ranks of the operatives. Such regulations can never be effectual, unless made by the concerted action of Trade Unions and Masters' Associations. The isolated individualism of the masters, which each thinks to be his stronghold, tends to weaken all.

Far different is the spirit in which operatives for the most part treat this problem of trade. There are found indeed some to protest against being prohibited to follow a trade, on the grounds that they have not been legally apprenticed. Such men appeal to the "rights of labour," the freedom of every man born into the world, and so

forth; but these rights are, in sober truth, purely imaginary, and, even if they existed, could not for a moment be weighed in the opposite scale. For the sake of a few inferior operatives who might have conformed but have not conformed, shall a rule be set aside calculated for the welfare of the great bulk of the operatives, including all the most skilled of their class? Society should have little sympathy with such claimants; for consumers have only an equivocal interest in encouraging the cheap productions such as alone can be furnished by these improperly apprenticed labourers, and what interest they have ought to give way before the welfare of the whole class of producers.

The Unions represent this class. And wherever there exists at all a strong organization, there will be found rules constituting legal apprenticeship a condition of entrance into the society, and insisting upon each boy being duly indentured after a month or two's trial, and compelling "turnovers" to complete their servitude under their old or under a new master. People may smile at the idea of an operative Union legislating for the trade. But with regard to the above rules (and of these alone I speak) I venture to ask whether they are not in themselves good and fair for all; whether they are enforced in an improper method, so long as the journeymen do no more than decline to work for those or with those who disregard them; whether, proceeding, as they do, from journeymen who are themselves the teachers and often the fathers of the apprentices, and who are affected in their lot by the entrance of every new member into the trade, they have been passed by persons without sufficient interest or experience in the subject with which they deal. That they proceed from the Union alone is a thing truly lamentable, but no complaint lies in the mouth of those who refuse to take the first step towards a remedy by recognising the Union to be, as it is, the lawful representative of the operatives in the trade.

CO-OPERATION.*

Report on the Co-operative Movement in Germany. By PROFESSOR HUBER, *of the University of Berlin.*

AS representing the German branch of that most important social movement of our days, which in England is generally understood as the co-operative movement, and which in Germany we call *Genossenschaftswesen*, I shall at once proceed to state the leading facts and figures of the development and present state of that movement, and then conclude with a few remarks and explanations on some important points which, being connected with peculiarities of our national life in general, may appear at first sight to foreigners in a more or less questionable shape. Before, however, entering

* See *Transactions*, vol. of 1857, p. 567; 1858, pp. 576—583; 1860, pp. 743, 871—875.

"*medias in res*," I may just premise that I have nothing to do here with those more ancient and manifold forms of partial self-help of the labouring classes—as friendly societies, savings banks, &c., of which there are no lack in Germany.

That there are indeed such points in our *Genossenschaftswesen* cannot seem strange at all, if you consider that, though of much more recent origin than the co-operative movement in England, yet its origin and development has been quite independent of any foreign influence whatever. In speaking of this point I am sorry I cannot altogether avoid what may savour somewhat of egotism; but I hope to be excused by the very facts I have to mention. The first, though merely theoretical and moral, impulse was given by myself in 1845, when I published the full and detailed plan of what we now should call a co-operative suburban village or community—and that without any thought and very little knowledge of the co-operative writings and doings of Robert Owen and his friends, and still less under any obligation to the French socialists. It is of course scarcely possible, with anything like even approximative precision, to ascertain the range and effects of this sort of moral and intellectual impulse, though nobody would doubt their general importance. For many years, in an entirely solitary path, I have held up Rochdale and its noble Pioneers, Leeds and its People's Mill, and their worthy competitors for the prize of co-operative success among the workmen of Paris, to the admiration of my countrymen, as far back as 1854, when they were known or appreciated but by very few persons in England or France. However that be, I needs must add that neither our public in general, nor our co-operative practice has taken any notice of such excellent examples. We have gone our own way; and after all, it was perhaps on the whole the best for us under given peculiar conditions and circumstances, as I hope presently to make evident.

Not to mention some very insignificant or entirely abortive attempts, often misapplied—charity predominating where the co-operative principle could not acquire sufficient vitality—and even omitting the first fruits of the movement for a reform of the domiciliary evils under which our labouring classes are also suffering,—although I cannot but consider our building societies as one of the most important forms of co-operation—passing by these and some other matters, I at once may point out to you the first decidedly co-operative societies of unmixed and independently national origin and character, which have opened the way for co-operation in Germany.

These were three *Genossenschaften*, which began business in 1850 in the small towns of Delitzsch and Bitterfeld, in Prussian Saxony, on a very small scale indeed, but with so wide-spreading and rapid an effect as fully to entitle their founder, Mr. Schulze of Delitzsch, to the honourable name of Father of German Co-operation. There are few co-operative societies in Germany which were not started under the more or less direct and personal influence or direction of this man; and unceasing were his efforts in promoting and leading the move-

ment, through the press, in public meetings and private conversation and correspondence. To appreciate the strong and sound vitality of these first germs, and the correctness of the principles there embodied, it suffices to compare this, to all appearance very insignificant beginning, of perhaps 200 members and scarcely 2000 thalers of capital, with the present and still increasing array of their progeny, after so short a lapse of time. We had in 1861 more than 600 co-operative societies, with about 200,000 members, doing business to the amount of twenty millions—and 1862 bids fair to carry us to 700 societies, and a business done of twenty-four millions at least. Now this is certainly a most remarkable progress, and what makes these figures still more remarkable is the fact that nearly three-fourths of these societies were started but five or six years since. And let me add at once, that this movement has in Germany, as in England, been carried on without any material assistance from any of the higher classes, nor even, until very lately, has it found any moral support worth mentioning either from press or platform of any political party, with the exception of the moral and intellectual assistance and direction of a few true friends to the working classes. As to the official world, the best they have hitherto done, or perhaps could have done, was to let us on the whole alone; while the worst they could do, and did, was occasionally, though rarely, trying to tie our hands or legs with some bit or other of red tape, which, however, we managed to get rid of quietly by ourselves, or were very soon delivered of by the independence and uprightness of our courts of law. As to legislation, it has, as yet, not meddled with co-operative matters either one way or the other. Nor was there any very urgent call for it, as long as co-operation was in its infancy. But of late we have taken measures to get a legislative remedy against certain difficulties we are beginning to feel with the very prosperity and increase of our co-operative affairs. Now on this point of our legal standing it is but fair expressly to remark that, on the whole, our laws are not more unfavourable to the co-operative movement than the law of this or any other country. In many respects it is even more favourable—as, for instance, for the acquisition of co-operative rights, or of land. The only serious obstacle it presents to us lies in the difficulties of extending co-operative dealings beyond the bounds of membership to the general public, there being as yet vested rights of guilds, &c., in the way. As to the formal features of organization, management, &c., of these societies, it suffices, without entering into any particulars, to characterise them as really and correctly embodying all the essential points of co-operative principles. There are but two points which deserve being mentioned here. The one is, that our co-operative societies have, without an exception, adopted the principle of unlimited liability of all the members —and that not under any legal or other compulsion, but from the general conviction of the soundness and advantages of that principle, in which, by the by, I for one do not quite agree, if it is meant as an absolute general rule. The second point is, that we

have—thanks to the efforts of Mr. Schulze and to the good moral and intellectual tone of the men we have to deal with—already come to a very satisfactory beginning of a general organization, with a Central Board of Direction, to which more than 200 of our most flourishing societies have adhered, and which is already represented as it were by its own organ in the press, under the title *Die Innung der Zukunft.* Without entering into any details, I may safely affirm that it does a great deal of good to the movement generally, and to single societies, without the least prejudice to the necessary independence of their action.

Except in this last respect of a general organization, there is, as I said before, no essential or in any way remarkable difference between the formal arrangement, management, &c., of co-operative societies in this and in my own country. But then, as to their practical objects, which greatly influence the very development and application of the co-operative principles, they differ more or less essentially, as the following details will show. And these differences are the more remarkable from being the natural consequence of important peculiarities in the general condition of the social classes participating in the co-operative movement.

There are three branches, or groups, as it were, to be distinguished among our co-operative societies. The first and by far the most numerous (about 350) are what we call Credit or *Verschussvereine;* the second (about 200) are what we call *Rohstoffvereine;* the third (from 50 to 60) are our Consumvereine. As these last correspond essentially to the English co-operative stores, I may leave them here without any more particular mention, reverting to them by and by, with respect to the causes of their very scanty development, as compared to the stores.

As to that first class, forming more than half the whole number of our associations, they are, with respect to their object, mere loan societies, destined to procure to their members, on the most convenient terms, the money they may want for their private and individual industry or domestic economy. But still they are founded on truly co-operative principles, only that they do not apply it to any especial co-operative industry or economy, either productive or distributive, but to the circulating medium, as the general representative of all industry and economy. Their's is in fact a co-operative banking business, carried on with co-operative capital and credit for the use and benefit of its members, who are at the same time exclusively its customers. The profits go partly to the dividends, in which the members participate in proportion to their dealings, and partly to the reserve fund. Of course the members have their percentage on whatever sum they contribute to the working capital, whether as admission fee and other obligatory and regular contribution, or as voluntary savings, or otherwise. The chief advantage, however, consists in their getting money at about 7 to 8 per cent., including the rate for the costs of management, &c., instead of 20 to 40 per cent. which they used to pay to small but not the less baneful usury,

before their enrolment under the banner of co-operation. Now, however important this difference may be for them, still, it must be confessed, that this is but a very low stage of co-operative development, though, as we shall presently see, it be quite in accordance with the chief wants and general social condition of those concerned. As to our *Rohstoffvereine*—they go one step further in the application of the co-operative principle, their co-operative capital and credit being invested in a wholesale business for the purchase of the raw material and other requisites of different trades, those trades themselves, however, not being carried on co-operatively, but individually, as in the first class. Many societies of this sort go still one step further, having co-operative salesmen, but still the sales are on private and not on co-operative account.

Now as to particulars of the practical results of this movement, I hope the following figures may not be considered quite uninteresting. They refer to the year 1860; and not to all the co-operative loan societies, but only to a selection, whose reports have been the most complete and circumstantial. These 133 societies show in the said year 31,603 members, with a working capital of about 3,000,000 Rth.; of which 2,392,000 Rth. were taken up on credit at 5 per cent., including 1,322,365 Rth. *Spareinlagen*, or voluntary savings of the members, and 528,877 Rth., more strictly co-operative capital, consisting of members' shares (462,012 Rth.) and reserve fund (66,863 Rth.). With these 3 millions, they have put out as loans to the members near 8½ millions. The expenses were 113,623 Rth., of which 41,643 Rth. were for management, and the rest chiefly interest on taken up capital. The losses have not been more than 1,490 Rth., or about 6 per mille, which certainly speaks volumes for the general honesty of the members, and generally of the social class to which they belong, and which is in general labouring under very great and various difficulties, mostly unavoidably arising from a state of social and industrial transition—not to mention political influences. As an example of the rapid increase of societies of this sort, I shall only cite the first, or, as it were, parent society of Delitzsch, which opened business in 1850 with 177 members (of which in 1853 there remained but 50, in consequence of internal dissensions) and a capital of 230 Rth., and in 1860 shows 453 members, with a capital of 20,671 Rth. and business done 77,309 Rth. The largest, and one of the youngest of all these societies, is that of Dresden, which opened in 1858, and does now a business of 1,256,660 Rth.

Now as to the *Rohstoffvereine*, I shall only remark that in 1860 they amounted to about 150, of which 116 had together near 7000 members, doing a business of about 1,000,000 Rth.; their number having since increased to above 200, we may safely estimate their members at about 14,000 and their dealings at 2,000,000 Rth. The, some 50 *Consumvereine*, very few of which have sent in detailed reports, may be supposed to have some 4000 members, doing a business of about 600,000 Rth. To conclude this statistical part of my task, there

is not the least doubt that the movement in all its branches is still increasing very rapidly, as well in the number of societies, as in every statistical item of single societies. Perhaps I may notice, that more than half of our societies belong to Prussia, and of these about half to Prussian Saxony. In southern Germany we have scarcely one-fourth of the whole.

Yet, however satisfactory this statement may appear in itself, still it cannot be denied that with the same materials, and the same means, much greater results might be obtained, if the co-operative principle were applied and developed to a greater extent. There is not the least doubt that these societies, and more particularly those loan and credit societies, and even yet more so the *Rohstoffvereine*, though their essentially co-operative character cannot be questioned, are still but in the first stage of co-operative development, the ultimate object they have in view not being co-operative, but only private or individual economy or industry. This stinting or stinted character of the movement generally, and more particularly in that part which in this country is by far the more flourishing, must appear the more strange from the seeming facility of carrying so sound and strong an impulse at once beyond those narrow limits. Now this requires some explanation, which I beg to offer in conclusion of this report, and in which, I hope, I shall be able to show that this seeming incongruity has been quite consistent with given general conditions, and hitherto suited to the exigencies of existing circumstances.

The most prominent feature which we must notice here, is the fact that the co-operative movement has hitherto been confined almost entirely to that part of the labouring classes which we comprehend under the term of *Handwerker*, and which, in England, seem to fall under the term of artisans or mechanics, as distinguished from those men employed in manufactures, mills, &c., and from unskilled labourers generally. Now in Germany the general condition, and social and industrial situation of this class, differs a good deal from that of the corresponding class in England, and still more so in France.

While the term "working man," and still more that of "*ouvrier*," is very generally applied to labourers of every sort, skilled artisans, mill-hands, agricultural labourers, navvies, &c., in Germany we generally make a distinction between "*Arbeiter*" and "*Handwerker*;" and even when we use the more general term for both classes, which has come into fashion of late, we, as yet—at least we of the old school—seldom do it without a certain compunction, and deprecating *reservatio mentalis*, or saving clause in favour of the pre-eminent dignity of *Handwerk*. This feeling, as well as the facts on which it rests and which it expresses, results chiefly from the old guild system and organization, which, however weakened, decayed and antiquated it may generally be in Germany, obtains there to a much higher degree and larger extent than either in England or France. It has, even at this moment, been roused to a seemingly pretty bold and vigorous attempt to maintain, and even strengthen and enlarge its position, against the modern principles of free competition, which as

yet have chiefly been used in favour of large capital and with a tendency to degrade labour to a state of absolute dependency, which, if not corrected, by some other force and movement, threatens us with perhaps the worst evil of modern Helotism. Without entering further into the general principles concerned in this struggle between what we call *Gewerbefreiheit* and *Gewerbeordnung*, and which at this moment takes a very large and noisy share in our public life, it suffices to point out the fact that, partly in consequence of this latter system, and still more under the influence of the general state of industry with us, the number of small but socially and industrially independent "*Meister*" or masters, in the various mechanical trades is, (in relative proportion to public wealth, population, &c.) much greater than in England or France, and that the hierarchy of master, assistant (*Gesell*) and apprentice is kept up much more strictly and more generally, one consequence of which, by the by, is, that the journeymen artisans or *Gesellen* are not in a position to take any immediate part in the co-operative movement. Now the chief interest, care, and endeavour of this extremely numerous, and on the whole very respectable class, is to maintain this social and industrial independence, even, at least to a certain extent, in preference to the mere increase of profit and comfort, if they are only to be attained by any essential sacrifice of that independence. I know very well that this view, or feeling, or instinct, for it is very often, perhaps generally, not much more than an instinct, is not exclusively peculiar to the German *Handwerker;* but the number of persons belonging to that class and situation being relatively much larger, the feeling itself is generally stronger, and its influence predominates in all those movements that at all affect this class.

Thus then co-operation in the form of loan societies does really answer to the exigencies of their case and situation, by strengthening their means of defence in that struggle of individually independent labour, or rather of small and isolated but complete organs of industry, uniting production and distribution, against capital and other centralizing and generalizing or absorbing powers of modern industry. Now of course this form of labour presents many disadvantages as to quantity and price and often as to quality of produce, and it may seem very doubtful whether these disadvantages do not already, or at any rate must sooner or later, even with those small masters or industrialists themselves, not to mention other and perhaps more important interests, overbalance any advantages that may be found in that system.

One may be of opinion, and I am so myself, that even co-operation, if kept in this first stage, will not save this class of industrial freemen from the fate of abject dependence to capital employed in large industrial establishments, but still, the motive of their unwillingness for any further application of the co-operative principle to production, which of course would, however advantageous in other respects, destroy that very independence of individual industry for which they are struggling against capital—this motive, I say, even

where it wants a complete consciousness, is certainly far from being in itself objectionable, inequitable, or ridiculous. It has its origin in some of the best moral and intellectual motives of civilized mankind; it has at least as much to say for itself as any "no surrender" feeling whatever. Still it is to be hoped that as honest people will, before it be too late, understand the alternative really before them, of either being more or less dependent workmen in their own co-operative trade and business, or in that of other people who are able to bring them into dependence by force of capital. The *Rohstoffvereine* are, as we have seen, no unimportant step in that direction, which has led some of the Paris "*Associations Ouvrières*," to so astonishing a development of co-operative prosperity. But those societies deserve the more attention, as they may become, as it were, the point or form of transition or transformation from our present guilds, which prove daily less efficient to maintain their position or to afford any real advantage to their members, to co-operative associations for that branch of production which the guildsmen have hitherto carried on individually, and often in fatal competition amongst themselves. There is this very important difference between the co-operative loan societies, and those *Rohstoffvereine*, that the former have members belonging to all sorts of trades, while from the very nature of things the members of *Rohstoffvereine* generally belong to one trade, using the same materials, and most of them belong already to the guild. In fact, some guilds have already begun to get their prime materials (as leather, cloth, &c.) on co-operative principles. This transformation is a consummation the more devoutly to be wished for, as the guilds would bring to their new co-operative existence many corporate advantages which are not to be found with mere individuals forming an association. And those advantages are not only of a material character—as for instance in many cases corporate capital—but there are also those moral and intellectual advantages connected with the guild organization, if not quite fallen from its ideal vocation, which are chiefly in the pedagogical features of its institutions and hierarchy. The guilds, it is true, have generally, even in their better times, not done much, and during the last century almost nothing at all, to make good their vocation that way, and so it is the more desirable that co-operation may teach them in this, as in every other respect, to prove themselves worthy of a better future. As yet, we must confess it with some shame, our co-operative movement has not been much less slack and backward in that respect than the guilds, for one cannot admit as an excuse for them the fact that there is another movement afoot distinct from it, which to a certain extent is supplying that vacuum. I mean not only those excellent municipal *Fortbildungsanstalten*, which we have in Berlin, and but too few of our large towns, but also and chiefly those societies, which, under the name of *Gesellen- Jünglings-* and *Handwerkervereine*, show in many points more or less analogy with your mechanics' institutions, your working men's colleges, and your young men's associations, combining different points of each of them,

while in other points they have their peculiar features. Their number is not below some 800 or 900, though most of them mere germs as it were. There are three branches of them, with very pointed distinctions as to their political and religious character: conservative Protestant, conservative Roman Catholics, and liberals or democrats of no particular religious bias.

One remark more I wish to make as to that strikingly prominent difference between English and German co-operation, which, as we have seen, is to be observed in the branch of distributive industry and co-operative economy. We may explain the stinted growth of our *Consumvereine* in Germany, as compared with the large extent of ground covered with flourishing co-operative stores, partly with the appendage of mills, &c., by the fact I have already pointed out, of the German mill-hands, and other working men, as distinguished from independent artisans, having as yet taken very little or no part at all in the movement. For it is in the nature of things, in the general condition of the domestic economy, &c. of this class, to be most in want of that sort of assistance to be found in the co-operative store. But then, of course, from this there at once springs another question: why then do they not seek the assistance they want where it is to be found? Why are they not following the way the English mill-hands, &c., have shown them? Now, in the first instance, though the life they lead is, on the whole, perhaps more comfortless and poor than that of most English mill-hands, &c., still it is not so much subject to the changes from better to worse, it holds a more level course, and, in many parts of Germany, has the solid foundation of a bit of ground and a cottage of their own. But whatever weight we may lay on this point, there is no denying the fact that the principal reason of their keeping aloof from that or any other rational and useful movement is in their generally low moral and intellectual level. Their apathy and helplessness are generally even lower than in England with the bulk of the same class—which is certainly saying a good deal! Not that there is not in Germany also, as in England, a certain amount of leaven, an *élite* in this heavy broad mass, but they are much less numerous and much more thinly disseminated and isolated, so that it is not to be wondered that they have as yet not been able to play that active and decisive part in the movement, which we see in the *élite* of English working men.

Nobody will seriously deny that this state of things implies a fearful amount of responsibility in those who, in their social and industrial position and their special relations to the working classes, possess the means, and with them have a sacred duty to fulfil in aiding the work of emancipation from the bondage of misery, immorality, and ignorance, of those who are yet too weak to carry it out without such assistance in absolute and unmixed self-help. In Germany, as in England, there are exceptions to the general indifference and neglect of those duties, but I am afraid those exceptions are much less frequent than in England, and even of these

few exceptional cases, there is scarcely one where we find the practical recognition of the only true social principle on which that assistance ought to rest, in order not to destroy, but to call forth and strengthen and direct the powers of self-help. In one word, there is, even where better feelings and views are not wanting, far too much of charitable and far too little of co-operative assistance at work. The only sound and effective participation of the higher classes, and more particularly of the aristocracy of industry, is to be found in those operations and institutions which we may distinguish from unmixed co-operative self-help as mixed and latent co-operation. In this, as the best and in innumerable cases the only possible preparation for the full and independent development of co-operative principle and powers in my country, the emancipation of that immense working mass chiefly lies, which, without it, is threatened and threatens the world with a new form of serfdom, worse and more dangerous than any former.

CONDITION OF THE WORKING CLASSES.

Condition of the Irish Labourers in the East of London. By WILLIAM POLLARD-URQUHART, M.P.

BOSWELL records a conversation he had with Dr. Johnson, in which, after he himself had dilated upon the fine scenery in Scotland, the sage replied that the finest prospect a Scotchman ever saw was the high road to London. These words were uttered about fifty years after the union of the Scotch and English Parliaments had begun to transfer the expenditure of the revenue of no small portion of the Scotch nobility and gentry from Edinburgh to London, and the instincts of those who had to live by their labour or their wits had led them to the place where money was spent and consequently money was to be earned. It is evident that the social transformation which Ireland has been undergoing—partially since the union of its own Parliament with that of Great Britain, and more rapidly since 1846—must induce many poor Irishmen to follow the example set them in the last century by their shrewd neighbours of the North. "Where the carcase is, there will the eagles be gathered"—wherever the food grown in the country is sent, thither must go those who have to earn their bread by the sweat of their brow. A large portion of the cattle and corn bred and grown in Ireland are sent to England; to England accordingly must those betake themselves who desire to obtain a share of this cattle and corn in exchange for their labour.

The mention of the labouring Irish poor of London naturally suggests the name of St. Giles. But the connexion between Ireland

and St. Giles is now rapidly becoming a myth. What the confusion of tongues was to the builders of the Tower of Babel, such has been the opening of New Oxford Street to the labouring poor, many of them likewise makers of or carriers of brick, congregated in that locality. Most of the Irish are now dispersed thence to the East and to the West. The waiters upon fashion—those who seek to gain their livelihood by the performance of the odd jobs required wherever the wealthy are assembled together, have migrated to the West; those who prefer steady wages to looking for the crumbs which fall from the tables of the rich have migrated eastwards to the port of London. For there is rough and hard labour to be performed, harder indeed than suits the taste of the comparatively skilled men of Saxon descent. How many of these latter would be unable to obtain their present superior remuneration if there were not others of Celtic origin to undertake the less desirable and less highly paid but absolutely essential work, which now falls chiefly to their lot!

The head quarters of the Irish to the north of the Thames are for the most part in the vicinity of Rosemary Lane, Commercial Road, Ratcliffe Cross, Wapping, and the adjoining alleys and courts. Having myself, with the assistance of a guide well acquainted with this quarter, explored Harris Court, Painter's Rents, Broad Street, Ratcliffe Cross, Three Foxes' Court, Stephen's Buildings, Little and Great Queen Street, Wapping, Prussem's Island, King's Street, Upper and Lower Well Alley, Salter's Alley, Smith's Place, Rosemary Lane, Blue Anchor Yard, with the adjoining courts, I may lay claim to some insight into the habits and habitations of my poorer countrymen. The great majority of them are from the counties of Cork and Limerick. By an accurate census made in the year 1854 the number of Roman Catholics, which perhaps may be pretty nearly the same as the number of Irish in this locality, was estimated at 16,000 souls, and my informant was of opinion that since that period they certainly had not increased. Indeed, he mentioned that the number of baptisms, which may be taken as some index of the population, had rather diminished. But perhaps it may not be unreasonable to suppose that this circumstance may in some degree be ascribed to more provident habits with respect to marriage being engendered by a town life, superior style of living, and contact with the English. The shipping in the port of London has, between 1854 and 1860, increased from 2,667,823 tons to 2,981,410 tons, but simultaneously with this increase machinery has been brought into use, so that the work of unloading the augmented number of ships is performed with about the same amount of manual labour as before.

The wages of the dock labourers when fully employed are 2*s.* 6*d.* a day, equal to 15*s.* per week, and in very busy seasons something additional may be earned by working overtime. The constancy of employment is of course affected by the vicissitudes of wind and trade; and the loss of wages which arises from periodical intervals of short work certainly is not counterbalanced by the addition thereto which occasional overtime enables them to make. Wages are paid

daily; as might be expected, none of the labourers keep accounts—nor are they possessed of such facility of mental arithmetic as to be able to give anything like an accurate answer to the question I frequently put to them, "What is the average of your weekly earnings throughout the year?" But from all that I can make out, I think I am not far wrong in computing this average at 10*s.* or 12*s.* per week. Those who are employed on the permanent staff of dock labourers receive a regular weekly pay, from 15*s.* to 18*s.*, from the Dock Company. It is an object of ambition to the steady, orderly, well-behaved labourer to get employed on this permanent staff, and this perhaps may be reckoned one of the first steps by which the unskilled Irish labourer may seek to rise in the social scale of life. A still further step upwards is the attainment of the place of foreman or superintendent, at a constant salary of from 20*s.* to 30*s.* per week. Enrolment in the staff of permanent labourers and promotion to the rank of superintendent, seem to be given without any regard of country or creed, and may be looked on as being within the reach of every sober, orderly, well-conducted labourer, possessed of the requisite degree of education. To those who are temporarily disabled from work in consequence of any accident occurring in their service, the London Dock Company give an allowance of 8*s.* per week.

The business of the ordinary dock labourers is to empty the ships which come laden with cargoes. There is another class of workmen employed in the same manner for the ships which arrive carrying merely ballast. The wages of the latter are much higher than of the former, averaging 26*s.* per week. The work, however, is very hard and can be undertaken only by men of great physical strength. A great many sink under it. But some of the ballast companies are exceeding liberal in their pensions to superannuated or worn-out labourers, the allowances varying from 3*s.* to 14*s.* per week, according to their age and length of service.

Still higher wages are earned by those emptying the colliers at the Regent's Canal Docks—when work is brisk they not unfrequently get as much as three pounds per week, but they cannot look to a pension. A great deal of this work is done in the summer, and it is so hard that the men often wear no garments but those absolutely necessary for decency. In this respect they form a strange contrast to those whom English writers on Ireland, from the time of Spenser to the present century, have described as idling over their tasks in long-tailed coats.

Connected with these men a most interesting subject of inquiry presents itself, namely, whether many of them have been able permanently to better their condition in life. A fair proportion of them have been enrolled in the rank of permanent labourers, and some have risen to the rank of superintendents. Few of them appear to have availed themselves of the facilities of investing small sums, afforded to them by the Post Office Savings Banks, though there is no doubt but that many before they become encumbered with

families are very generous to their relations in Ireland. To rent the whole of a small house for the purpose of letting it in apartments to lodgers, to establish a greengrocer's shop, or a small retail shop for provisions, appear to be the most common mode of investments among those who are fortunate enough to be able to economise. I saw one really well furnished house, containing among other articles of luxury a pianoforte, the occupier of which assured me that he had come from Ireland as a working man in quest of employment.

Perhaps the least favourable aspect in the condition of this class is the confined space in which they are lodged. Few families occupy more than one room. The rent of an apartment of moderate dimensions varies from 2*s.* to 4*s.* per week. Two young men from my part of the country occupied an apartment together for which, along with the washing of one shirt for each, they paid 4*s.* per week. But though their limited accommodation is doubtless an evil, I could see no appearance of misery or even of dirt or untidyness in their habitations. A tolerably extensive inspection enables me fully to corroborate the truth of Mr. Mayhew's observation ("London Labour and London Poor," Vol. I., p. 110), "In all the households which I entered there were traces of household neatness and care which I little expected to have seen."

As yet the Irish immigrants have not intermingled much with the labourers of England. Marriages of Englishmen with Irish girls are more common than those of Irishmen with English girls. The English indeed seem to appropriate to themselves the skilled and more highly remunerated branches of employment, leaving the rougher work to be done by the Irish. When they first came in considerable numbers to the Metropolis there was no small jealousy of their competition in the labour market, and it is said that the necessity of uniting for defence against the apprehended violence of the trades' unionists was what first induced them to herd together in what are called the rookeries of London, but since they have been chiefly employed as unskilled labourers, there has been no display of hostility against them. Scarcely any of them have joined any trades' union. There are most excellent schools attached to St. Michael's and St. Mary's Chapel, where the children generally continue to attend till they reach the age of ten or eleven years. With the aid of the education thus afforded to them, there is every reason to hope that many of those who are now boys may show themselves adepts in such branches of industry as require greater skill and offer higher remuneration. Indeed, my informant assured me that an incipient change is already beginning to take place in this respect in a variety of ways.

From all that I can ascertain, there is a remarkable absence of professional vice or villainy among the Irish immigrants in the Metropolis. Gangs such as those of Fagin the Jew, as described in Dickens' "Oliver Twist," find no recruits among them; and Mr. Warren's late physician would find few Irish mothers lamenting sons who had gone "to Bottomless."

No one would suppose there was much affinity between the Hibernian and the Hebrew race, yet, strange to say, the Hibernians have superseded the Hebrews as orange-sellers. This fact is mentioned by Mr. Mayhew, and my information confirms it. But as most of the able-bodied adults seem willing to work at the docks at the wages which I have already specified, I should very much doubt their gains as fruit vendors being £100 per annum, which the above-named gentleman opines was sometimes made by the Jews in this business.

After a survey of the Irish labourers in the East end of the Metropolis, it is natural to inquire how far they benefit themselves by resorting thither from their native land. A Parliamentary Paper recently published states the average wages of agricultural labourers in Ireland to vary in the different counties from 6*s.* to 8*s.* per week. From my own experience I should say that this was rather above than below the fair medium. Doubtless it is true that casual labourers generally receive at least 1*s.* 3*d.* per day, and at harvest and other periods when there is a brisk demand for hands a great deal more; but work at such wages does not prevail for more than six or seven months in the year, and those who receive the benefit of such pay at sowing and reaping time are often idle during a considerable portion of the winter. I believe there are few of them who would not willingly change places with the labourer who receives constant work at one shilling a day. I have heard poor men, who have had experience both of London and the rural districts of Ireland, say that they found a shilling in London would go as far as sixpence in the country. If this be taken as an approximate estimate of the difference of the cost of living in two localities, it follows that the labourer earning 12*s.* per week at the London Docks is about as well off as the agricultural labourer with 6*s.* per week in his native parish, which is the estimated average in each case; and if such estimate be correct, it might at first be thought that he gained nothing by his migration. But then it must be taken into consideration that the difference in the cost of living arises not so much from the enhanced cost of the raw material of food—for wheat, pork, bacon, meal, and potatoes are not more than 20 per cent. dearer in London than in Ireland—as from the undeniable fact that the diet of London workmen is much better than that of the agricultural labourers in the land of Erin. Mr. Mayhew, adverting to their improved style of living, remarks; "I cannot say they were well off, but they liked bread and herrings and tea better than potatoes without bread at home." I believe that the difference of diet is even greater than that which Mr. Mayhew's statement would lead us to suppose; I have reason to think that there are few of them who do not eat meat at least once in the day, excepting of course the days on which abstinence is prescribed by their Church. I have heard some of them say that without meat they could not work as they are obliged to work in London. To be put in the way of getting good subsistence for good work instead of bad

subsistence for bad work—which, it is to be feared, is too true a representation of their state in Ireland—must be allowed to be a change for the better. If there be any truth in the opinion of some physiologists, that continued starvation diet tends to produce hereditary apathy and indolence—faults which have been too commonly imputed to the poorer class of Irishmen, we may look to the improved diet of London as a remedy for these constitutional defects. And the chances which a steady industrious man has of bettering his condition in London are incomparably greater than those afforded to him in Ireland.

The great drawback in the otherwise improved condition of the Irish labourer after his migration to London is the limited accommodation that can be afforded to him for dwelling in this densely peopled Metropolis. This evil of course presses more severely on married men with families than on single men. Some labourers in Ireland are fortunate enough to occupy a cottage with a garden of greater or less extent attached to it for £3 per annum. Supposing them, with the assistance of their wives and families, able to keep the ground in cultivation, the labourers so circumstanced will receive vegetable food sufficient for the maintenance of their families, and greatly superior lodging, for less than half the rent they would pay for a crowded apartment east of the Tower. The condition of families occupying holdings of this sort, with tolerably constant employment at the average wages of the country, is comparatively speaking comfortable; many of them are able to season their meal of vegetables with bacon or pork three or four days in the week. It may be questionable then whether a man with wife and children so placed would better his condition by migrating to London. The versatility which enables a person at any time to change employment for the purpose of rising in the world can never be expected so much from a married as from a single man; and to a family the inconveniences of a state of transition are incomparably greater than to the same number of independent individuals. Therefore to men with incumbrances, moderately rented cottages and gardens, and tolerably regular employment, we should by all means say, "Stop at home with your wives—but when your sons come to the age at which they may be expected to provide for themselves, send them to seek their livelihood and to better their condition either in London or elsewhere—and continue to do so until the wages of the Irish agricultural labourer are much higher than they are at present."

I cannot conclude this paper without remarking how deeply interested the Irish are in the relaxing of the restrictions on the trade of the United Kingdom. The more all such restrictions are removed the greater will be the demand for hands in all the principal commercial and manufacturing hives of industry. I can appeal with confidence to any one who has been acquainted with Ireland for the last twenty years, to bear witness how much the condition of the labourers who remain there has been improved by the English

demand for additional hands, and the consequent drafting from an overcrowded spot at home. How greatly then will their position be deteriorated if English industry ceases to expand, and the great towns of England, so far from finding employment for the extra hands that come into the world with such rapidity in Ireland, send back those whom they have hitherto maintained to the land of their birth. England and Ireland are now as much bound together as Yorkshire and Devonshire. Whatever is for the good of the whole nation is good for every fraction of it. The general prosperity of all is sure to react upon each individual. Let every one then be impressed with the undeniable truth that he and those for whom he is bound to have a care will in the long run be more benefited by his joining in a united effort for the common good, than by any selfish or short-sighted seeking after his own isolated interests to the detriment of the bulk of his fellow-countrymen.

On the Sanitary Instruction of the Labouring Classes, and their training in those Domiciliary Habits which conduce to physical and moral well-being. By HENRY ROBERTS, F.S.A.

IN two Reports* on the Improvement of the Dwellings of the Labouring Classes, which were read at the Meetings of the Association held in Liverpool and in Glasgow, I gave an historical sketch of the movement for effecting that much-needed object; pointed out the legislative measures which have been adopted, the efforts made by several societies, and by many private individuals in Great Britain; as well as noticed the extension of the movement in other countries.

On the present occasion it may be of practical use to supplement those papers by pointing out and urging the adoption of another class of remedial measures.

To all who are conversant with the domiciliary habits in which a very considerable portion of the working classes are brought up, their direct tendency to physical, moral, and social degradation must be so obvious, that it will be assumed as an admitted melancholy fact. But, in order to show how widely spread and how contaminating are the results of such habits, the evidence of some who are competent witnesses to this special feature of the case will be adduced, before the measures adapted to remedy the evil are briefly considered.

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* *Transactions* of 1858, p. 583, and of 1860, p. 766.

Many unprejudiced descriptions of the localities occupied by the poor emigrants from Ireland who have settled in Edinburgh, Glasgow, Liverpool, and Manchester, as well as in the Metropolis, and some other parts of England, might be quoted to prove that a well-known designation, "The Irish Quarter," is accurately interpreted as implying a degree of misery and wretchedness below that in which the poor of England and Scotland are ordinarily found. How far this state of things is justly chargeable to an utter want of training in habits of cleanliness and order, is a serious subject for inquiry, as it greatly affects large masses of the poor in other countries, where the example given in this respect has been very injurious. A benevolent physician in Edinburgh, Dr. Foulis, who has devoted much time to this subject, when describing the state of "old houses" in that city, and the effects of a large influx of Irish poor, thus wrote: "We affirm, and that advisedly, that these people are not fit to live in ordinary houses; and instead of appreciating a good one, in the course of a short time they turn it into a filthy den. These statements may appear harsh, but we do not make them without being able to substantiate them by a most conclusive practical illustration. Some few years ago, the large tenement in Burt's Close, 'the Hatter's Land,' was occupied by the respectable workmen of a neighbouring manufactory, and more comfortable houses could not have been desired. Unfortunately for the house and the health of the town, the Irish were allowed to tenant it, until, from top to bottom, with the exception of two families, it was altogether filled with them. What was the result? In the course of a short time it was converted into a hotbed of fever and filth."

I shrink from the invidious task of selecting such testimony, which it may be right, however, to say, is fully borne out by many other credible witnesses, and, in some degree, by my own observations in London. At the same time, it is just to notice that the author of "London Labour, and the London Poor," observes, in regard to the street Irish whom he had visited, that he "found traces of household care and neatness he little expected to have seen, which gave them an air of comfort that strongly disagreed with the reports of the cabins in 'ould Ireland.'" The writer last quoted says, what it is to our purpose here to notice, that "the ignorance of the women in regard to household work (a description of work totally unknown in their wretched cabins in many parts of Ireland) incapacitates them in great measure for such employments as charing, washing and ironing, as well as from regular domestic employment," he adds, "very few of these women (nor indeed of the men, though rather more of them than of the women) can read, and they are mostly all wretchedly poor."

In the very remarkable address by Sir James Emerson Tennent, delivered at our Glasgow meeting, in 1860, much valuable information was given in reference to Irish immigration, and numerous facts were quoted from the evidence given before a Government Commission, appointed in 1835. After an allusion to the influence which

this immigration is known to exert over the gains and economics of labour amongst the working classes of Great Britain, its injurious moral effect is thus alluded to : "The process of deterioration must, more or less, affect the moral atmosphere of the locality, the native population of which is liable to have their tastes and opinions in regard to what is necessary for decent subsistence, vitiated and lowered by the contaminating influence of example, and by intercourse with those who are content to live in destitution and misery."

The large addition made to the Irish population in London between 1846 and 1851, within which period it is believed to have been doubled, will in no small degree account for the increased crowding and consequent wretchedness of the lowest class of dwellings. To this cause is the same evil attributable, in no inconsiderable measure, not only in many towns in England and Scotland, but also in the United States of America, of which, if it were necessary, abundant evidence might be adduced ; and I can state from my own knowledge, that such were the filthy habits of the people crowded into one of the courts taken by a Society in London, and put into a good sanitary condition, that it was thought necessary to eject a considerable portion of the old tenants, who were mainly Irish, and deemed incurable. Not perhaps that they would have proved to be so in reality, had the change been effected more gradually, and with greater consideration for their circumstances. The superintendent of the works thus wrote to me at the time, in 1855, when I was abroad : " We have retained about twenty of the old tenants, and it is most gratifying to see how some of them appreciate the comforts provided, and how one little comfort creates a disposition and desire for another. My experience here convinces me more and more that the very lowest of the poor are capable of being improved, but it cannot be done as we are doing here; the change is too great in so short a space of time, and must of necessity drive the major part of the population away, who I believe to be susceptible of great improvement, had the change been spread over a space of two or three years. I have felt it a painful duty, especially with some of the tenants, to tell them they must leave the court, at the same time feeling convinced they would make good and orderly tenants were time given them to reconstitute their habits, for such would have to be done. Many of them expressed their willingness to conform to any rules we might impose—at all events, they would try their best to do so ; but to keep them in the court would certainly prevent the more respectable class of labourers and mechanics coming." Such practical observations may be of use in other cases, and for this reason I have given the quotation.

On the subject under consideration, higher authority could not be adduced in the city of London than that of its able medical officer, Dr. Letheby, who, in his last report, dated 18th April, 1862, thus writes : "That which aggravates the conditions of a city life is the dense overcrowding of the population ; the living in houses which are unfit for human habitation ; the close and ill-ventilated

state of the courts and alleys; the systematic neglect of cleanliness among the poor, and their living continually in an atmosphere of decomposition. Much of this has received your attention, and has been the subject of sanitary improvement. But your efforts have been almost nullified by the passive resistance of landlords, and by the sullen indifference of the poor. Until, indeed, the latter can be made to feel the advantages of an improved social condition, and can be taught that human beings ought not to herd together like brute beasts, it will be hardly possible to lessen the death-rate of our large cities, or to keep down the unwholesome influences which are ever fostering endemic disease. This kind of teaching is fast becoming an obligation of society, for it is perceived that the evils of such ignorance are not confined to the poor alone. They spread among the rich, and largely affect the interests of all."

The disposition, however, to overcome obstacles in the way of social improvement is, apparently, much greater in the lower classes in England than it is amongst those from the sister kingdom. The late Dr. Hector Gavin, a physician who had many opportunities of studying the habits of the poor in London, has said: "My own impression is, and I say it on due consideration, and with every possible regard for truth, the poor make very great sacrifices in the cause of cleanliness; they constantly aim at it, and constantly fail, because it is impossible." Since these lines were penned much has been done by the Legislature, and by philanthropic associations, to remove some of the most formidable barriers to the success of such well-intentioned endeavours. A greatly improved water supply, as well as the provision of public baths and wash-houses in some parts of the metropolis, has placed the means of personal and household cleanliness within a comparatively easy reach of the very poorest.

With reference to legislation bearing on this subject, and applicable exclusively to Ireland, an Act for promoting the building of dwelling houses for the labouring classes was passed in 1856, and another to facilitate the building of cottages for labourers, in 1859,* and in 1860 two amendment Acts were passed; one having reference to the tenure and improvement of land in Ireland, makes the important provision, that houses built for labourers are to be deemed as included in the definition of improvements for which "limited owners" are entitled to compensation.

The necessity for affording every practicable facility for the building of improved cottages, was rendered palpable by the Census return for 1851, which showed that there were then in Ireland 135,589 single-roomed mud cabins, the proportions in each county being given as follows:—

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* This Act contains a valuable provision by which loans from the Treasury may be obtained for providing improved house accommodation for the labouring classes. Instructions on this subject may be procured from the Commissioners of Public Works, Custom House, Dublin.

NUMBER OF FOURTH CLASS HOUSES (OR MUD CABINS WITH ONE ROOM ONLY) IN IRELAND, ACCORDING TO THE CENSUS OF 1851.

Provinces and Counties.	Number of Houses, Fourth Class.	Provinces and Counties.	Number of Houses, Fourth Class.
LEINSTER:—		ULSTER:—	
Carlow	1,318	Antrim (including Belfast & Carrickfergus Towns).	1,600
Dublin	1,522	Armagh	3,172
Kildare	2,652	Cavan	3,595
Kilkenny	2,628	Donegal	4,744
King's	2,096	Down	2,114
Longford	1,659	Fermanagh	2,217
Louth (including Drogheda Town)	3,050	Londonderry	1,578
Meath	5,183	Monaghan	1,879
Queen's	2,888	Tyrone	2,714
Westmeath	2,584	Total of Ulster	23,613
Wexford	2,846		
Wicklow	1,777		
Total of Leinster	30,203	CONNAUGHT:—	
		Galway	9,610
MUNSTER:—		Leitrim	3,011
Clare	5,169	Mayo	10,058
Cork	16,215	Roscommon	5,059
Kerry	11,063	Sligo	3,848
Limerick	7,529		
Tipperary	8,201	Total of Connaught	31,586
Waterford	2,010		
Total of Munster	50,187	Total of IRELAND	135,589

Had the late Secretary for the Home Department acceded to the application which was made to him by the Council of this Association, for such a return under the last Census as would give corresponding statistical details with regard to house and cottage accommodation in England, it might have been confidently anticipated that the Bill for "facilitating the building of improved cottages for labourers in England," similar in principle to two existing Acts of Parliament, passed in 1860, which are applicable exclusively to Scotland and to Ireland, would not be again rejected by the House of Lords, after passing the Commons with but little opposition, as was the case in the last session of Parliament, on a division of sixteen to thirteen.

It must be obvious, however, that legislative enactments, necessary as they may be to effect general sanitary reform and to facilitate the providing improved dwellings, cannot produce an entire change in what may be termed the "domiciliary habits" of the lower classes, or make them acquainted with the importance of personal and household cleanliness, the benefits resulting from a free admission of pure air, the evils resulting from defective drainage, or from damp in the floor, the walls, or the roof of their abode,

in order that they may be led to think and act wisely, where they have the power of choosing or improving their dwellings.

The words which close the report of a well-known commission, that of Lord Devon, are strictly applicable to this subject: "The best directed measures of Parliament will not be sufficient, unless aided by the active and steady exertions of the people of every rank and condition in their respective spheres; but much may be accomplished by the united and vigorous exertions of the Legislature and of individuals."

But it is mainly to those who come much in contact with the working and the poorer classes, when imparting either secular or religious instruction; to those who are their employers, or who administer in any direct way to their necessities, that this subject commends itself most urgently, and with the greatest prospect of a beneficial result, provided the instruction or advice they impart be given with sympathy, and not in a spirit of upbraiding reproach. The best feelings will be thereby drawn out, and obstacles may be gradually removed which now seriously impede, not only the moral and physical, but also the spiritual improvement of large masses of the community.

The instruction which is so greatly needed may, in many cases, be suitably conveyed in the form of simple and brief addresses or lectures, and if illustrated by diagrams, they will be rendered more attractive, and leave a more abiding impression on the memory. Much assistance in the carrying out of such efforts may be derived from the cheap publications of the Ladies' Sanitary Association,* from the diagrams obtainable at the Working Men's Educational Union, as well as from the publications by Messrs. Jarrold and Sons, from some of the Lectures by Dr. Lankester, and from the abridged Edition, for the Labouring Classes, of Miss Nightingale's "Notes on Nursing."

The formation of classes such as have been adopted in England, under the designation of "Mothers' Meetings," so well described in the little work entitled "Ragged Homes, and How to Mend Them," is another valuable means of operating on the families of the poor, and one in entire harmony with the "domestic mission" connected with the circulation of the Holy Scriptures, which now numbers in the metropolis upwards of 170 female agents, who are thus engaged under the direction of ladies, designated superintendents.

The bestowment of premiums and rewards for household cleanliness greatly promotes those habits of sobriety and general good conduct which are so indispensable to the attainment of the object contemplated by a resolution, in the following terms, which was adopted unanimously, on my suggestion, by the representatives of

* The Office of this Society is 14A, Princes Street, Cavendish Square, London. In one of its published lectures, I have endeavoured to point out the essentials of a healthy dwelling, and the sanitary defects in the homes of the working classes.

twenty different countries, convened at the Congrès International de Bienfaisance, held in Brussels, in 1856:—

"The Congress declares that it is of public utility that the working classes be enlightened by all possible means in regard to the improvement and the keeping of their houses in good order. It declares that the instruction of the young in the labouring classes ought to comprise all which relates to the cleanliness of their persons, and of their dwellings, to the benefits resulting from good ventilation, and the evils resulting from humidity. Lastly, it thinks that the study of the science of preserving health is one which ought to be rendered accessible to all."

Amongst the many societies successfully engaged in promoting habits of neatness and order in cottagers' dwellings, may be named "The Windsor Royal Association," which has done, and is still doing, "immense good in the neighbourhood." It was established in 1850 in consequence of a special desire on the part of the lamented Prince Consort to bestow some mark of favour on cottagers in and around Windsor who were diligent in keeping their homes tidy. Besides that object, it now embraces several others calculated to stimulate and cherish the spirit of industry, and thereby to raise the social condition of the labouring classes. This society had the inestimable advantage of his late Royal Highness's constant attention up to the the last, and rewards, bestowed annually, were, with one exception, distributed in person by the lamented Prince, which greatly increased their value to the recipients.

In order further to carry out the views of his late Royal Highness, "The Royal Society for Providing Better Domestic Accommodation for the Industrial Classes" was formed in 1852, by members of the Royal Association, and the committee, which is presided over by Major-General F. H. Seymour, has been successful in returning to the shareholders from 4 to 5 per cent. interest on the outlay in building forty-eight houses, and establishing two lodging-houses. The shares held in this society by his Royal Highness have, by his desire, been "transferred to trustees, in order that the annual income derived from them may be devoted to its purposes, and his Royal Highness's name be imperishably connected with its material progress."

I cannot on this occasion refrain from bearing my humble testimony to the numerous and wide-spread benefits which have resulted from the discriminating and practical encouragement given to this movement by the illustrious and lamented Prince, many of which I have had the opportunity of becoming personally acquainted with, not only in our own country, but also on the Continent.

Nor would I omit to recognise, in anticipation, the incalculable benefits which must result from a judicious administration of the munificent gift of £150,000, destined by Mr. Peabody "to ameliorate the condition and augment the comforts of the poor, who form a recognised portion of the population in London," accompanied as it is by the suggestion, "to apply the fund, or a portion of it, in the

construction of such improved dwellings for the poor, as may combine in the utmost possible degree the essentials of healthfulness, comfort, social enjoyment, and economy."

Having, in the course of the preceding remarks, had occasion to comment very unfavourably on the domiciliary habits of the Irish poor, it is with pleasure that, before concluding this paper, I refer to a Report of the Registrar-General for Ireland, in order to show that "The Royal Agricultural Society" has considered the providing improved house accommodation of so much importance, as to have recently made it one of its "primary objects" to promote improvement in the dwellings and domestic condition of the agricultural population of Ireland; and has passed a resolution to the effect, that, when £5 are contributed from any country the Society will add £5. A gold medal is then offered as a prize to the individual who has done most within the year to carry out "this primary object," in that particular county. And, already, several ladies have honoured the society by becoming associates in order to promote the special object referred to.

THE POOR LAWS.

On the Operation of the Poor Laws. By ROBERT E. WARWICK, *Vice-Chairman of the City of London Union.*

THE question as to the operation of the Poor Laws is one that has excited much attention, both in and out of Parliament, for a number of years, and I believe there is no part of our national polity that has caused so much legislation on the one hand or litigation on the other as these laws. Time will not permit me to go into their history—my aim is to treat the question as one of pure social science, and to lay before you the knowledge I have obtained and the opinions I have formed—having for the last twenty-five years been practically engaged in the administration of the Poor Laws—and at the same time to offer some suggestions for the removal of those defects which that experience has shown me to exist.

These laws naturally divide themselves into two parts:—In the first place—the law of settlement and removal. In the second—the mode of raising the amount of money required for relief.

The first primarily affects the poor; the second, the poor and the rate-payers conjointly.

We are in the habit of calling the 43rd of Elizabeth the parent of our Poor Laws; but it must be borne in mind that this law contains no provision as to settlement or removal. It was not until the 13th and 14th of Charles II. that the groundwork of our present Laws of Settlement was enacted; the preamble of that Act is well worthy of our

notice, showing as it does, in the strongest terms, its total inapplicability to our present times: it is as follows:—

"Whereas by reason of the defects in the law poor people are not restrained from going from one parish to another, and therefore do endeavour to settle themselves in those parishes where there are the best stocks and largest commons or waste to build cottages, and the most woods for them to burn and destroy, and then go to another parish, and there become rogues and vagabonds, to the great discouragement of parishes to provide stocks where they are liable to be devoured by strangers, &c., &c."

And it then goes on to provide for the removal of such poor persons to their own places of settlement.

It is thus we have the foundation of those laws which, in the present day, are a heavy and useless expense to the rate-payers, and the cause of a very large amount of undeserved suffering and annoyance to the poor. It is this which compels the poor man to reside in that place to which by some fiction of law he may belong, and should he venture beyond its boundary, and happen to need the smallest relief, a warrant from the magistrate removes him back, with the liability to imprisonment if he again enter the same parish; thus he is prevented from seeking employment in other districts, his energies are cramped, and he is prohibited from selling his labour in the best market, his means of usefulness are contracted and ofttimes himself and family forced to become paupers, because these laws fix him in a certain parish; or, as an alternative, he must accept that amount of wages which the employers of the parish shall choose to determine upon. But greater evils than this are produced by these laws, for they not only prevent the erection of cottages suitable for the dwellings of the poor, but they give landlords and parishes a direct interest in the destruction of those already in existence, which destruction has been carried out to an extent far beyond the imagination of those who have not given the subject full consideration. I would ask those who doubt this to read the Report of the Poor Law Board, on the Laws of Settlement and Removal, printed by order of the House of Commons, 1850; they will there find evidence showing that whole villages have been depopulated of their working population, who have been compelled to take refuge in the neighbouring towns or open parishes; and it is there proved to be no uncommon thing for labourers to have to walk from three to five miles night and morning in order to reach their employment, thereby adding two or three hours to their daily toil, to the great injury of themselves and their employers.

The effect of this scarcity of dwellings is, that the labouring man is deprived of the comforts of a home and of those domestic enjoyments to which he is entitled; his family are compelled to herd together in a manner directly opposed to every law of decency and propriety, repugnant to the feelings and habits of Englishmen, and utterly destructive of those precepts of morality, modesty, and virtue,

on which the future conduct of the young so much depends, and which it is the duty of every one to promote. I have often heard clergymen of all denominations state that the greatest drawback to their ministerial labours is the miserable manner in which the labouring classes are compelled to live; Sunday-school teachers and district visitors all agree, while the medical attendant confirms the statement. Societies have been formed for bettering the dwellings of the poor, but here the laws of settlement and parochial chargeability are a stumbling block to their proceedings; high rates are charged which, as a matter of course, create high rents, which the poor cannot pay; this likewise prevents men of capital from building houses of this description, because they know that where the poor man resides, there he must be relieved. Thus it is, while few will build, many will be found willing to destroy, and hail with pleasure the making of a new street, or the formation of a railroad through a densely populated district, because by that they get rid of the dwellings of the poor, and with them the liability to contribute towards their relief when in distress.

Give the labourer a home and he will soon appreciate its value. Mr. Francis Howell, one of the Poor Law Inspectors, at page 133 in the Report before alluded to, speaking of Lincolnshire, says, "Lord Scarborough built a good many cottages in Bilsthorpe and Wellow; to give an instance of the effect of a little kindness and attention we rebuilt eight cottages in Wellow that were in a most miserable state, we made them clean and comfortable, and it seemed quite to change the nature of the inhabitants; from being the most dirty and wretched people they became neat and orderly, and took a great pride in showing you a clean house; they told me that before they had nothing to cling to, not even a floor to clean."

May I not ask—if this was the effect produced in one place, why should it not be so in others? Abolish these laws of settlement and removal, and at the same time enlarge the area of chargeability, and you will soon find capitalists who will erect houses for the labourer in which he may reside, not as an object of charity, but as an independent man, paying his landlord a remunerative rent, and at the same time possessing those domestic comforts which are at present denied him.

Another objection to these laws is the amount of money expended yearly in litigation. In the years 1854-5-6 orders for the removal of 39,391 persons were signed by justices, the cost of which was an average of £50,000 in each year, and the same process still goes on, inflicting insult, cruelty and oppression on the poor, and only putting large sums of money into the pockets of gentlemen connected with the legal profession. I may be told that recent enactments have done something in the way of alleviation; I admit it, but I say what has been done has been at the expense of the poorer parishes; the effect of every enactment, save the one of last session, the Irremovable Poor Act, has been to relieve the rich rate-payer in the wealthy parish and add to the burdens of the poor ones in the poverty-

stricken district. I may here add, that these opinions have been confirmed by select committees of both Houses of Parliament, by the votes of the court of Common Council of the city of London, and by the expressed opinions of a large number of the Boards of Guardians throughout the country.

To pass to the second division of the question:—The mode of raising the money for the relief of the poor. This is done in separate parishes or other small areas, and might have answered very well in the earliest stages of the Poor Law, but in the present day it is one fraught with the grossest injustice to the rate-payer, and operates much against the interest of the poor. In looking through the columns of the public press it is lamentable to see the claims that are daily made by various public charities, and more so by the parochial clergy, for aid to assist them in relieving the wants of those who are starving in their respective districts: in reading these appeals a stranger would naturally suppose that in these parishes no legal provision was made for the relief of the poor; but what are the facts? The poor rates are there raised to the highest amount the rate-payer can bear—4*s.*, 5*s.* and even 6*s.* in the £—while the relief given is, from necessity, the smallest quantity that will keep body and soul together. The overseers, whose duty it is to levy the rates, feel they cannot raise a larger sum without reducing many of the smaller rate-payers to pauperism themselves, thus adding to the burdens the remaining rate-payers might have to bear. It is a fact no less startling than true, that in many of the poorest metropolitan parishes, from one to two thousand summonses are issued every quarter for the recovery of these rates; but the great injustice of this is, that these heavy rates are confined to only one class of ratepayers, namely, those who are rated for property situated in those parishes in which the poor man can obtain a residence. The Act of Elizabeth declares that each parish shall be rated in accordance with its ability, but recent legislation has completely reversed this wise and just enactment, and parishes are now rated according to their inability, or, in other words, the poor-rate has been converted into a tax upon poverty instead of a rate upon property.

If time would allow, I could give columns of figures showing this to be the operation of the law as it now stands—but take one as an example.

St. George's, Hanover Square, is the largest and wealthiest parish in the city of Westminster.

St. Ann's, Blackfriars, is the largest and poorest parish within the City of London Union.

The poor rates in these parishes were:—

	1832.	1842.	1852.
St. George's	2*s.* 6*d.*	1*s.* 4*d.*	0*s.* 5*d.*
St. Ann's	2*s.* 8*d.*	3*s.* 4*d.*	5*s.* 0*d.*

So that in twenty years the rich parish was reduced from 2*s.* 6*d.* to 5*d.*; while, in the same period, the poor one was increased from

2*s.* 8*d.* to 5*s*—and this was done and is still going on by the operation of the law and not in any manner by the good or bad management of those intrusted with the administration of relief. It is this inequality of charge which causes that discontent amongst the ratepayers which now exists; and it is to this cause also that is to be attributed much of the distress and misery which afflict our poor, not only in London, but in other large towns throughout the country.

Abolish the Law of Settlement, enlarge the area of chargeability, and equalize the charge over the enlarged districts, and we shall soon see a far better state of things amongst our labouring population —the great inducement for the destruction of their homes will be gone—the Guardians will be able to meet them in times of distress with something like adequate relief, instead of being, as they are now in many places, compelled to mock their poverty, by giving them 1*s.* and a four-pound loaf for their week's sustenance:—and at the same time we shall relieve our clergy from the degrading work of asking charity for the necessary relief of those whom our Poor Laws ought to maintain.

I know it will be objected by some that it is bad to make relief too easily obtainable, but I submit that not to be able to meet it is equally as bad; while it must be admitted by all that the relief now given being principally taken from the pockets of the poorest ratepayers, while the rich are allowed to go free, is an injustice of which we have good cause to complain. Were our area of chargeability enlarged, and the rate equalized, we should not only be able to meet our current distress with ease, but, in extraordinary times, have a fund ready to meet any extra demand which might arise. Take, for instance, the state of the weavers of Coventry, Spitalfields and Bethnal Green at the present time; in these places a large amount of poverty exists, brought about by one of those revolutions in our commercial policy, which is working well for the country at large, although prejudicial to them. Under these circumstances I hold it to be the duty of the country to provide means for their compensation; and emigration presents itself as the most effectual remedy. Private charity has done something in this way, but it is very little that it can accomplish, it cannot meet the case, the only legal way is the parish—but with a standing poor-rate of from 3*s.* to 5*s.* in the pound per annum it is impossible for them to raise the money. Enlarge the area and you have the means at your disposal. Take, for instance, the metropolitan district; it consists of thirty-six unions or separate parishes, the value of its property assessable to the poor-rate is, in round numbers, 10 millions, the expenditure £700,000, which is now raised by rates of 1*d.*, 2*d.*, and 3*d.* in some parishes; 3*s.*, and 4*s.*, 5*s.*, and even 6*s.* in others. Equalize the charge over the whole district; and a rate of about 1*s.* 4*d.* will meet every demand; added to which an extra penny in the pound will provide £50,000; a sum which will transplant thousands of those who are now starving at home to distant colonies where labour abounds and good wages are paid, and where they and theirs might be rescued from poverty,

wretchedness and crime, and become the founders of a nation who will hereafter acknowledge England as its parent.

The same remarks apply to the manufacturing districts, where the labouring population, by an act far from their control, are plunged into poverty, and that poverty in all probability will go on increasing. How is it to be relieved? I say advisedly, private charity cannot continue to meet it. I say as positively that the poor-rates, levied as they now are, cannot meet it; the inequality in those districts is excessive. In the Blackburn Union, one parish, Little Harwood, is charged only 4¾*d.* while Yate is 4*s.* 7¼*d.*

Bolton Union—Little Hulton pays 6*d.*; West Houghton, 2*s.* 10½*d.*

Burnley Union—Trawden, 3*s.* 0½*d.*; Habergham Eaves, 6*d.*

Preston Union—Elston, ¼*d.*; Robchester, 3*s.* 8¾*d.*

In Chester, Great Baughton Union—Golborn David is 6*s.* 8*d.*, while Newton Tattenhall is only 2*d.*

Lancaster county contains property assessed to the poor-rate of seven millions value. One penny would produce, say, £30,000, so that here again an equalized rate of one penny in the pound would raise a sum adequate to the relief of thousands of those unfortunate people, and which would have the advantage of being distributed under the control of the legally constituted authorities for the relief of the poor, preserving at the same time that local self-government so much valued by Englishmen.

It is no object of mine to relax the stringency of the rules regulating relief, my great object is to relieve the poor from that slavery or serfdom which the laws of settlement inflict on them, and then, in the time of distress, to enable the guardians to grant such relief as will in reality do them good, and that without inflicting injury on those who have to pay.

Before I conclude, it may be well to add a few words as to the character of the poor themselves. It is often said they are improvident, that they expend their earnings without making any provision for the time of distress, but then resort to the parish; this is no doubt true in some few cases, but I deny that the great body of the labouring population deserve this stigma; those who are the recipients of parochial relief belong almost exclusively to those who are, in every sense of the word, labourers; the mechanic or the skilled artizan does not apply—it is those whose earnings in the best of times do not exceed from 7*s.* per week in the country to 18*s.* in London or other large towns; and I may, with confidence, ask, how are these men, most of them with families, to save money—is it not the wonder how they exist? It is the widows and children of such men, or the men themselves, worn out by labour, who form our paupers at the present time.

The whole amount of pauperism does not exceed four per cent. on our population, by far the greatest proportion of which are aged and infirm. Take then the numbers at four per cent., deduct two for the aged and infirm, one and a half for women and children, we have but one half per cent. that can, by any fairness, be classed

as able-bodied paupers, and from these must be deducted the sick—this, I submit, is a state of things highly creditable to our poor, and of which the people of England ought to be proud.

TAXATION.

Equality of Taxation. By T. E. Cliffe Leslie.

EQUALITY of taxation happily requires no advocate in this country at the present time. The rich no longer seek to overtax the poor, nor have the poor begun to seek to overtax the rich. The matter about which disagreement exists relates to the means, not to the end. Financial reformers and conservatives would both do well to bear in mind that it is a question of means—that taxation, or the extraction of sums of money from individuals by the State, is a practical difficulty, and that no theory of taxation deserves attention which sets the consideration of details aside as of slight importance; they are of primary importance. The problem which the financier has to solve is to ascertain the pecuniary means of every citizen, and to make him pay a proportionate contribution to the public service. A little reflection might satisfy any reasonable mind that this is not a simple and easy task, considering the variety of the sources of personal income, and the indisposition of many members of the community to assist the researches of the Chancellor of the Exchequer.

The aim of the financier should not be to reduce his appliances to a single uniform method, but to make the several parts of his entire system fit symmetrically together, so that, for example, his direct taxes should allow for the nature of the indirect taxation he maintains. That there must be some indirect taxation to preserve anything like equality is transparently clear. To say nothing of the difficulty of taxing the wages of the labouring classes—and labourers are citizens, not paupers, and should contribute as such—those who know anything of the amount of fraud and evasion practised while only ten or twelve millions are raised by a direct tax on incomes, may conjecture what it would be if the whole imperial revenue were raised in the same manner. But since, for this reason, there must be some indirect taxes levied on articles of general consumption, there ought to be some counterpoise to their unequal pressure. The difference between the consumption of tea, sugar, beer, spirits, tobacco, and other taxed commodities, by an artisan or clerk earning £100 a year and a nobleman with £100,000 a year may be scarcely appreciable; though the latter has more than a thousand times as large an income for the year, since he can afford to spend all he gets, while the former must provide for failing health and business. Even if it were true that the nobleman pays his servants' taxes, their joint consumption would not amount to that of a thousand persons with a

hundred a year each. But it is a fallacy to suppose that the owner of a large establishment pays the taxes on his servants' consumption. Servants are a section of the labouring class; they are led to choose domestic service or some other employment, according to the terms offered in each, and their board and wages must vary with the general rate of wages. They have, accordingly, risen considerably in the last fourteen years. If the necessity for indirect taxation should miraculously cease to exist, in consequence of a general disarmament and oblivion of the national debt, the general body of labourers would be better off on account of the increased cheapness of the articles they use; and masters would have to raise servants' wages to obtain or retain their services. Hence it is clear that servants pay the taxes on their tea and sugar, &c., and that their master is taxed only on the commodities used by himself, his immediate family, and the friends he entertains. From which it follows that the smaller incomes subject to the income-tax—those from £100 to £300 a year—are disproportionately taxed. The Chancellor of the Exchequer in his last speech upon the income-tax, on the 13th May, seemed to admit the necessity of correcting this inequality. "It is not necessary," he said, "for me to discuss the question in reference to incomes of the amount of £150 or £180 a year; but this I will say, that the case of the lowest incomes is one which calls for the earliest consideration of the House, because those incomes were dealt with by Sir Robert Peel, and again in 1853, upon the assumption that the income-tax would at an early period be extinguished."

Another conclusion which follows from the necessity of making compensation for the unavoidable unequal pressure of indirect taxation, is that the income-tax, so far from being "at an early period extinguished," must be permanent. Some eminent statesmen seem disposed to foster a hope in the minds of the proprietary classes of a simultaneous reduction of the national armaments and disappearance of the income-tax. If any country gentleman really expects this issue, one can but remind him of the proverbial disappointment of rustic expectations:—

Rusticus expectat dum defluat amnis, at ille
Labitur, et labetur in omne volubilis ævum.

Under no circumstances—whether the people of this country are disposed to rest their security on the prudence or respect, or on the justice and mercy, of foreign powers—could the poorer classes submit to such unequal imposts as the removal of the income-tax would leave behind. If it were taken off to-morrow, a resident English millionaire would pay little more to the State, and an absentee millionaire would pay less, than a mechanic.

The necessity for a permanent direct tax being thus established, we have to consider why it should be an income-tax, and what income is for the purpose of taxation. For many obvious reasons a year has been fixed upon as the proper period for which to estimate the requirements of the public service on the one hand, and the means of taxpayers on the other; and the maxim of equality prescribes that the

assessment should be, as nearly as possible, in proportion to the actual resources of each contributor for that period. The year's taxes are to be levied on the year's income, and the available income which each taxpayer has gives the measure of his just subscription. This excludes from assessment sundry kinds of property which add nothing to a man's yearly income. It excludes, for example, household effects, furniture, books, pictures, and ornaments, which may add to the comfort and happiness of a man's dwelling, as his wife does, but do not enable him to spend more in the year. A wealth, or property tax, such as has been more than once advocated before this Association, is, therefore, manifestly unfair. A tax of this kind must also be condemned on another ground. If a man's good sense or taste leads him to expend a part of his income on substantial, durable articles, why should he be taxed more every year afterwards than a man who chooses to spend all he gets on momentary gratifications or frivolous amusements? Such a tax would operate as a fine upon household economy and improvement, and would have the most mischievous effect upon the dwellings and habits of the labouring classes. It would subject a labourer to perpetual graduated taxation, in proportion to the solidity of his purchases, the comfort of his cottage, and the care taken of his little property. Moreover, a man with a very large professional income might pay little more under such a tax than a thrifty artisan. Nor would the difference be made up for by indirect taxation, as has been alleged, for the reason already given, that the difference in their use of taxed commodities may be little or nothing. From the principle that the year's taxes should be levied out of the year's income, it likewise follows that reversionary claims ought not to be assessed as immediate forthcoming income. It is also a consequence of this principle that what is called the actuaries' scheme of assessing incomes is unsound. By that scheme it is proposed to levy the income-tax on all incomes in proportion to their capitalised value, that is to say, in proportion to the number of years' purchase they would be worth in the estimation of a skilled actuary. According to this plan, if one man is in the receipt of a thousand a year from a trade or profession, which an actuary would, let us suppose, reckon as likely to last ten years, and another man has a thousand a year from the Funds, valued at about £33,000, the latter would be taxed about four times as much as the former. The fundholder would be taxed on the interest of £33,000, the trader or professional man on the interest of about £8,500. The assumption of the actuaries is, that the latter has only £255 a year to spend out of his annual thousand, and must save £745 a year in order to have a capital sum of £8,500 left when his industrial earnings cease. But men in a trade or profession are under no obligation to save so much, nor do they generally save it. It is quite true that a man with only a thousand a year earned by industry, has not, properly speaking, a thousand a year to spend, but he may fairly be treated as having a great deal more to spend than the actuaries' scheme allows. The present income-tax, on the other

hand, taxes him as if he had really a thousand a year to spend, like the fundholder, and thereby it produces an inequality of an opposite kind. A person with a thousand a year from a permanent source can spend that sum every year, and be as well off at the end of the year as at the beginning, but the man in business has future years to provide for out of the present year's receipts. The latter, though he receives £1000 in the year, has not £1000 for the year. A part of what he receives is capital, not income. His year's income is no more commensurate with his year's receipts than a bricklayer's or mason's daily income is equal to the whole sum he earns on a working day, without any deduction for Sundays, holidays, and other days in which he earns nothing.

It is said that this argument may be reduced to an absurdity, since it applies with equal force to every sort of tax, and either proves that an allowance should be made in the taxes on tea and sugar for the precariousness of a purchaser's income, or proves nothing. But it may be retorted that taxation should be treated as a whole, and that its pressure should be measured as such; whence the income-tax should as much as possible correct, and not aggravate, the inequalities produced by the other parts of the system. If indirect taxation presses too hardly on precarious incomes, that affords a reason for treating them more tenderly in the imposition of direct taxation. The temporary nature of a portion of our indirect taxation strengthens the claims of temporary incomes to indulgence, for the income-tax is defended on the ground that perpetual incomes will be taxed *in perpetuum*, while temporary incomes will pay only so long as they last. This fails to be a complete defence, since a portion of temporary incomes must be saved, and perpetual taxation will fall on the savings. But, in addition to this, a part of our indirect taxation, such as the high duties on tea and sugar, can only be regarded as temporary in amount, and the income-tax itself, though permanent in the sense of continuing its existence, has hitherto been variable in its annual rate, and temporary with respect to every penny above its lowest assessment. Permanent incomes will permanently pay only the permanent part of the existing taxes, and that the remainder lays an excessive burden on precarious incomes, it is impossible to deny, whether it be possible to remove it or not.

Any tenable objection to its removal must be a practical one, and must be grounded, not on a denial of the claim of precarious incomes, but on the impossibility of measuring by any standard the different degrees of precariousness. Accordingly, the Chancellor of the Exchequer defends the present income-tax, not by asserting that it falls with perfect equality on all incomes, but by alleging that there are some businesses almost as secure as landed estates, to which it would be absurd to allow a share in a general abatement of the tax on Schedule D, yet which cannot be distinguished by any definite and consistent line of demarcation. "A London banker," he says, "possesses a business which, if not entirely as solid and substantial as a landed estate, is the very next thing to it. Another case is

that of a lawyer making a large professional income, every farthing of which depends on his health. A banker would never dream of insuring his life. His business is worth from twenty to twenty-five years' purchase, but the lawyer's practice has no prospective value." The instance of the banker is, however, hardly so much in point as it appears at first sight to be, for the profits of first-class London bankers are, if I am not misinformed, derived from investments in various kinds of stocks, and are taxed by consequence under Schedule C, so that they would not share in the abatement which Mr. Hubbard has proposed for Schedule D; and if we look at other banks, both those which, like the Scotch banks, lend upon securities which cannot be rapidly realised upon an emergency, and those which, like the Ulster banks, lend largely to merchants and manufacturers, we might fairly doubt whether banking profits in general can be regarded as free from the risks of trade; not to speak of their liability to reduction by fraud. A bank is not safer than its managers and clerks. Bankers, moreover, like other traders, are exposed to the sudden rise of competition in new forms, and to a struggle for existence with unexpected rivals. Of this, the new phase of banking upon limited liability affords an example. The brewer, again, has often been quoted as a safe capitalist, in opposition to the plea of precariousness urged in favour of Schedule D. But the brewer's monopoly is one of which future legislation and the ingenuity of an envious world may deprive him. Nor is he exempt from such vicissitudes of popular taste and modes of dealing as those which have brought the palmy days of many an ancient wine-merchant's business to a close. Yet another consideration has to be taken into account in testing the merits of Mr. Hubbard's proposal to exempt from the tax one-third of the annual profits of trades and professions. Occupations vary, no doubt, in respect to security. But the more hazardous occupations must, as a general rule, yield higher profits than those which are more secure, and if the rate of profit bears proportion to the risk, so will the exemption, since the third of a large sum is greater than the third of a small one. Moreover, so far as the scheme might fail to adjust, in this manner, the abatement to the different risks of different pursuits, competition would tend to restore the balance, and compensate by higher profits the less favoured occupations.

If, therefore, Schedule D stood alone, if it embraced the whole class of precarious incomes, the objections to Mr. Hubbard's proposal might be pronounced more plausible than solid. The whole subject however is, it must be confessed, immensely complicated by another class of precarious interests, namely, life annuities and estates. Upon this difficult part of the economic question I will not attempt to touch in this paper. Nor in reference to the moral question raised by the fraudulent returns under Schedule D, of which we hear so much, will I venture to say more than that, be the morality of the people in their dealings with the State in financial matters high or low, the State ought to set an example of the most scrupulous regard for justice in its dealings with the people.

MISCELLANEOUS.

The Moral, Social, and Hygienic Effects of the Volunteer Movement. By JOHN MACGREGOR, *Captain, London Scottish Rifle Volunteers.*

IF a man is busily occupied in his profession, and he has his proper share of domestic life, and gives due energy to philanthropic pursuits, and is besides this an earnest Volunteer, it must be evident that his personal experience of the movement cannot easily extend very far beyond his own corps. On the other hand, an idle man or a *dilettante* Volunteer cannot rightly appreciate the relation of this movement to the everyday life and business of an Englishman. It has been the endeavour of the writer of this paper to found his conclusions on the experience gained in careful observation of his own company and regiment, frequent intercourse with earnest Volunteers in London, constant visits to corps in the provinces of England, Wales, and Scotland, special correspondence on the subject with friends in India, Canada, and Australia, and a general survey of the panorama of military life that passes before a civilian as he travels through foreign lands.

The Moral Effect.—When a man joins a Volunteer corps there is at once the moral effect produced by the mere fact of wearing uniform. This is well known to be the case in the use of academic costumes at our Universities, and of the uniform of soldiers, militiamen, sailors, lawyers, policemen, railway and other officials. The round hat of an Eton boy is not a mere cover to his head; and who has ever seen a blue-coat scholar doing wrong in his yellow stockings, though without a cap? Even the rainbow hues of the street shoeblacks are restraints on conduct, by making each boy feel that he attracts public attention. Every Volunteer in uniform has a cloth he can do credit to or shame. While watched himself, he is a watch on every other Volunteer, and habits of control formed in uniform are sure to affect the same man in plain clothes.

Next, it is a good thing for a man to be drilled; to keep silence when he wishes to talk, to give a loud and prompt command in public when shyness would keep him silent, to be ordered this way when he would like to go that way, to have, in fact, another's will as his rule; and to engage in all this not as a play, but for a serious purpose, and under the law.

The Volunteer makes new acquaintances, especially with his superiors, and at a time when he is observant, and when they also are on their good behaviour. He is exercised in temper, patience, promptitude, obedience, punctuality, and smartness; in fact, he learns "how to behave himself." The Volunteer begins a new career among new friends, with new rules and duties, and for a new purpose; but he soon finds that success is attained on the old principles of right and wrong, and these are thereby strengthened within him. His sphere of action is suddenly and enormously enlarged.

Into our three years' experience of this movement how much has been condensed of the useful knowledge of men and manners! The Volunteer learns to consort with other men, to persuade or to agree, to differ, to manage or take part in public business, to read with attention the directions of others, to speak with accuracy in giving his own orders, to write with clearness, and to rely with confidence on his memory. Under this wholesome education he finds the spark of patriotism fanned to flame. He feels himself more a Briton. He loves his country better and his Queen more dearly. His respect for the regular army warms to admiration; for now he is half a soldier, and he can appreciate those who are soldiers indeed. He has now a good reason for a holiday too, and good reason to work hard on a working day, that he may bear the expense of enjoying his well earned leisure.*

He is rich, perhaps; but he finds a tradesman beats him at the target. He is poor, it may be; but he finds that true gentlemen are most courteous to him. He is a deep scholar, but he may be the dunce of a squad in the new school. He blamed Law and the Constitution for all his ills; but he soon finds that all large bodies must have heads and must have defects. He was a Chartist before, perhaps; but his charter now is "order, love, and liberty." Now what is the effect of all this upon a man's general character? An energetic officer of Volunteer Engineers writes as follows:—

"With rare exceptions, I find the men are decidedly improved in manner, character, and conduct. I have found that the desire for promotion and to be considered a smart 'drill' has had the effect of counteracting any tendency to idle habits. Moreover, the study that is necessary to become acquainted with the duties of *Engineers* has left but little time for dissipation and vice. I have found that many men in my company have not only attended the drills thrice a week, but also lectures and classes on field-works. I am particular in ascertaining the reason for irregular attendance at drill, and have strong grounds for believing that idleness very rarely, and dissipation and vice *never*, has been the cause."

Another correspondent says:—

"The check is in the mixture of classes producing—(1) a dislike, which gradually becomes habitual, to do that which conscience or the decencies of society forbid, in the presence of a superior; (2) the reflection, that what is evidently objectionable if committed by inferiors under our eyes must be unbecoming and 'low' in ourselves."

A member of one of the largest corps in London says: "Many men, whose conversation was most objectionable and most vicious, gradually learned that their common tone of thought and conversation was offensive to many of their comrades, and, I believe, really were ashamed of it, and endeavoured to restrain it." The effect is not only upon a man, a company, or a regiment, but is visible

* It is much to be desired that ladies and others who frequent shops in great towns should second the praiseworthy effort of those tradesmen who generally shorten their business hours to let the young men enjoy fresh air and manly exercise.

throughout a whole town or district at once. "In fact," says an officer from Surrey, "you could tell the drill-nights without the uniform in some towns, I believe, by the clean, fresh-shaven faces of the artisans."

Another testimony is as follows :—"I am certain that the minds and habits of the young men have been greatly improved, through being diverted into a proper and useful channel ; and the exercise itself cannot but conduce to improve and strengthen both mind and body. In fact, I know of my experience that, on their return home after drill, they are generally disinclined to leave their homes in search of light amusements or further excitement."

A Volunteer well qualified to judge declares : "No one expectation for good which I had formed of the movement failed, and a fear I entertained that possibly we might take a fondness for fighting and a bragging tone has not been realised." The commandant of a Scotch battalion writes : "After three years' experience, I have never seen a Volunteer drunk." So large a negative is involved in this last assertion that we cannot presume to say it is general. Still the testimony under this head is almost unanimous. "Our bowling greens," says a suburban Volunteer, "complain of a falling-off in attendance from this cause. A drill that draws men from a bowling-green and skittle-alley does good service in checking idleness." Indeed, it may be mentioned that one of the London casinos, from dearth of custom, actually gave notice that Volunteers would be admitted in uniform ; and two billiard-tables were lately closed, while the Volunteer movement was distinctly assigned as the cause. A colour-sergeant of the Edinburgh Volunteers says : "I believe that the movement has been an enemy to idleness, dissipation, and vice."

One of the most interesting relations in which to observe the Volunteer movement is in connexion with our great Universities. On this point I would cite the opinion of an energetic member of a University corps :—

"The fact is," he says, "Volunteering at the University is purely an 'appendix' to other things : for here all those influences which should be made to work on a collection of men, in the way of social and physical culture, and which in other cases might be procured by Volunteering, are made effective by other means. I allude to the general character of our daily routine, which necessitates our constantly meeting together in social converse, and in particular to the great University institution of 'boating,' which sums up in itself nearly all the benefits, social and hygienic, of other physical pursuits. We could hardly expect that a man of idle, lounging, or dissipated habits would respond to the claims of the rifle corps, if he turned a deaf ear to those of the boat-clubs, which are urged upon him with far more force and constancy than the rifle corps (here at least) can ever command. The majority of our Volunteers here are certainly boating men, whose attendance at drill is regarded entirely as the response to the calls of duty. The remainder of us consist of men who might be distinguished as the 'reading men,' as having no peculiarly distinct *recreation*. The indifferent portion of our community, those who do nothing or who do worse, we fail to touch, at least to any assignable extent."

It is a remarkable fact that at another of these ancient seats of learning a protest was made against the Volunteer movement by the

horse-keepers and fashionable shopkeepers, whose trade in expensive luxuries was alleged to be injured.

In alluding with some diffidence to another distinguished corps, the Inns of Court, we may be allowed to read the result of prolonged observation on this particular body of men. To see these brother barristers drill in the misty winter's morn, or by the light of the Temple lamps at eve, is of itself a suggestive sight. But follow these men with rapid steps to Richmond. See that Queen's counsel march; a student's command; that sergeant-at-law striving to be a corporal in the ranks; and that judge of the land descend from his ermined seat to stand in the rear of his own pupils under a drenching rain. Verily, there is a spirit here that is good for England. Cross-belts not bound with red tape. The Parliamentary Blue Book shelved for the Volunteer's Red Book. Parchment made into cartridges for the peer on the woolsack and the Commoner who sits in the Speaker's chair.

Some objections to the movement cannot be ignored, and they are stated by correspondents as follows. The influence of principal supporters of some corps is not good. In others, officers discourage by neglect of their duty, or irritate by mistaken zeal. Time, money and energy are consumed in drill and field-days. Hard work makes men thirsty, especially the bandsmen. Late hours infringe on the rest of one day, or on the activity of the next, and this is particularly the case when Saturday night absorbs the vigour of men who desire to be at church, or at a Sunday-school next morning; and many there are of these, be it said with gladness, among the best shots, best drills, and best-looking men of the Volunteers. From these men, not ashamed to serve God while they serve their country too, and from other correspondents, there are complaints, certainly well founded, that the movement is needlessly applied to purposes quite foreign from its object—to parade men for church, to march civilians after a noisy band on Sundays, to bring them to dance at balls instead of a drill at parade, and to collect them to applaud actors instead of to act themselves as real Volunteers.

The Hygienic Effects.—The health of a young man is improved when he is a Volunteer. The man stands erect. England is two inches taller when he is drilled. The man becomes more supple as he learns to wield a sword, to handle a rifle, to box, to fence, to sing, to walk, to leap, to run. He goes out on a breezy hill to shoot, and he never had so many country walks before. He cannot make "bull's eyes" at the target if he takes much beer or tobacco, or any spirits; nor will he win a prize in shooting if he sits long nights at the ballet, or enervates his heart and brain at the casino.

Let us hear what is said on this subject by an original member of a London corps, formed several years before the present movement began:—

"In my own case, I can assure you that for years, without any fee or hope of reward, without even a large number of comrades at parade, I, in order to

attend to my duties during the summer months, was invariably at my employment at six, and very often at four, in the morning, rather than absent myself from drill. I consider that it kept me in much better health, for had I not been a Volunteer, my close occupation would have rendered me so fatigued that I should probably have had no exercise, from the absence of any inducement."

An eminent barrister in Edinburgh declares that he willingly runs out for an hour's drill at noon, because, though his hours are golden, he can do more in less time if he has proper daily exercise. The officer of a corps in an iron district says, that "many weak, pale-looking young men when they first joined are now well-looking, healthy-looking fellows. The evening spring and summer drills are an enormous advantage to men shut up in offices or working machinery." One of the London rifle brigade states that the number of deaths among 1,829 men enrolled in three years was ten, of whom four are said to have suffered by exposure to drenching rain while on duty.

There are, however, cases in which fatal effects have resulted from the careless use of fire-arms, of an incautious, though praiseworthy, braving of the weather, so especially hostile to our movement in 1860. Englishmen will not forget that illness, and death itself, may lie in the path of duty, even when that path has not led us through the iron hail of a battle plain, or to the dark graves of the midnight trenches, or over the raging billows that wrap a seaman's shroud. The surgeon of a corps in London says, that of the 420 men there were but two deaths in two years, both of them caused by consumption, "which I have no doubt existed prior to their joining the corps;" and it must not be forgotten that members are usually admitted to corps without any medical inspection. The ages of 637 members of this corps were in the following proportions:

Under 20	23·39	per cent.
20 to 30	51·49	,,
30 to 40	16·63	,,
40 to 50	3·00	,,
50 and upwards	·49	,,
Unknown	5·00	,,

A brave sergeant in the Kilts, who walked 150 miles to attend his examination, says that before he joined he was so often ill that his doctor said, "Try Volunteering; you have tried all else in vain." He joined, and has never seen his doctor since.

The Social Effect:—An officer in Derbyshire says:—

"The evidence on this point is very conflicting. Some parents and friends made a determined stand against their relations joining the force, which arises, I think, principally from two causes: first, the friends fear the Volunteers may be called into active service; second, they are afraid they will contract the vices of the ordinary soldier. On the contrary, some parents have told me they rejoiced in their sons being Volunteers, because it kept them out of mischief, made them more respectful and better behaved, brought them in contact with their superiors, and fitted them in every way better to occupy any station in life they may hereafter be placed in."

The testimony of another officer is as follows:—

"It is in general most favourably regarded by the families and friends of the Volunteers. I know of but one instance to the contrary, and that was in the case of a young man whose father died, leaving him in charge of a large business, which his mother and sisters thought his military duties might make him neglect. He accordingly, at their request, quitted the Volunteers for a time; but he very soon rejoined them, and found time not only to attend to his own business, to the entire satisfaction of his relatives, but to make himself a very efficient Volunteer officer. Indeed I have always found that the smartest soldier is also the smartest at his own trade or profession."

In one district "it is found that the husbands come home earlier on drill nights than on 'off nights.'" In another a wife declares that she is quite at ease when her husband in leaving home "does so in his uniform;" and a good-humoured captain secured both men and wives on his side by offering as a prize for the best attendance at drill a good substantial family teapot! Such testimony is very general. But while a trusty Scotchman declares that "friends" (right-minded ones, at least) "approve most cordially of the movement," on the other hand, the mother of some gallant sons asserts positively that "the movement makes young men think that all home and family claims must yield to Volunteer demands and duties." Perhaps some of these discrepancies in opinion may be reconciled by the following observations from a very reliable source in Scotland: "I should say that the families of officers consider Volunteering (socially and apart from other considerations) a 'bore.' The families of the men like it." A little reflection will no doubt convince us that this important distinction may be in part accounted for thus. The man who is thoughtful, punctual, active, sprightly, and a good son and brother at home, is precisely the man who is likely to be a good Volunteer. His merits are rewarded by promotion, and thus his duties are increased; so that the youth most missed from the family circle is the man most wanted in the line of the company.*

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* Mr. Paul Broé furnishes the following Notes on the System of Military Organization in Switzerland.

The military force of Switzerland resides entirely in the militia, there being no standing army nor volunteers. This militia is recruited among all the able-bodied male population, from the age of twenty-one to the age of forty-five or thereabout, varying a little from one canton to another. The service is obligatory for all, the clergy, magistrates and educational professors and teachers being alone exempted. Each canton has its own distinct military organization, and is bound to furnish a certain contingent to the federal army. The total of these different contingents amounts to about 100,000 men of all arms, including 5,000 riflemen. This force, which constitutes the so-called "federal active army," can be collected at any time within two or three days' notice. Next to this comes the "federal reserve," numbering about 50,000 men of all arms, who are also furnished by the different cantons in proportion to their population. This force can only be called out on federal duty in case of actual danger, and after the whole of the active army has already been called out. It is organized, however, and subjected to occasional drilling in each canton, but is not called upon to attend the federal camps or campaigns, to which the active army is subjected occasionally, and has to contribute in turn in certain proportions. The whole federal force may thus

Measures taken by Employers for Promoting Habits of Prudence and Forethought—amongst Building and Engineering Workmen,—at the "Times" Newspaper Office,—by Railway and other Companies. By HENRY ROBERTS, F.S.A.

VARIOUS reasons have led me to think, that on the present occasion it may be useful to notice some efforts made by employers which have proved unsuccessful, as well as such as have been entirely satisfactory in their results. The experience to be gained by failures is

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be computed at 150,000 men. Besides this, there is a second federal reserve called the Landsturm, which is composed of the men above the age of active service, and would probably amount, in case of danger, to at least 50,000 men. This force, however, is but partially organized, and would not be called under arms except under very critical circumstances. It is, on the other hand, probable that in case of invasion, the country would be defended by more than 200,000 men, as there are cantonal reserves in excess of, and which do not show in, the above federal returns. This will sufficiently show that the Swiss system of militia organization is the most complete and efficient that can be possibly imagined. In each battalion of the federal army there are two companies of chasseurs (Jägers) provided with *fusils rayés*. This makes a proportion of 200 companies, or about 20,000 men armed with *fusils rayés*, besides the 5,000 regular riflemen already mentioned. The rest of the infantry use the old gun improved after the so-called "Système Prelar-Burnand." To the artillery, which is numerous and well organized, has been added lately a park of twelve new batteries of six field-pieces each, together seventy-two field-pieces of rifled cannon. The cavalry being an arm of less importance in Switzerland is limited to a few squadrons of guides, dragoons, and chasseurs. The militia is recruited in each canton by calling out every year the young men who have come to the age fixed by law, such replacing those who have attained the age for going out of it, or passing into the reserve. The drilling of the new recruits is effected by sending them to a camp, or barracks, or schools, under the command of a certain number of officers and sub-officers who have already been trained, and are bound, on account of their grades, again to attend such camps for the benefit of the recruits. Privates are not called upon to attend more than one cantonal recruiting camp, but they are only to be called when their corps is called out on cantonal or federal duty. Besides these recruiting services, there are a certain number of exercises and reviews every year, which all the militia must attend, the active army being subjected to a greater number of exercises than the reserve. There is a federal school at Thun for the education of artillery, engineers, and cavalry officers, and there are periodically federal camps where a certain proportion of the contingents are called out to undergo all the duties and exercises of a regular campaign. There has been one last year of 10,000 or 15,000 men, who, by their passage of mountains and rivers with artillery, have shown that a militia may do as heavy and difficult work as a regular army. The Swiss militia men provide themselves with their own accoutrements, except in a few cases where men are unable to meet the expense, the State otherwise providing them with the arms only. They receive a small pay when on special duty, but nothing when they are called out merely to exercise. Independently of the militia, there are private associations of riflemen in each canton, which have a central organization, and hold every other year federal meetings, alternately in the chief city of each canton. At these meetings large prizes are awarded to the best shots, by means of subscriptions or donations from the cantons; but while mentioning these associations, which certainly prove most useful in constantly keeping up the military spirit, and acting, in fact, as so many nurseries to supply the corps of riflemen with skilled marksmen, it must be understood that they do not supersede nor add to the effective power of the militia, as they are quite independent of the Government, and the members of these societies must themselves necessarily belong already to some corps in the militia.

often of much practical value; and with this view, I briefly refer to measures which were taken in the metropolis, to establish a Provident and Friendly Society for building and engineering workmen, by an association of architects, engineers and builders, who united for that express purpose, in the hope that the society would become a bond of union and good feeling between the employers and the employed. At a general meeting for the promotion of that object, held in the Guildhall, 11th December, 1849, the management of the undertaking was entrusted to a committee;* the chairman and originator of the scheme being Professor C. R. Cockerell, R.A., Architect to the Bank of England; the treasurer, Mr. William Cubitt, M.P., the present Lord Mayor; and the honorary secretary, Mr. George Wales.

After preliminary measures had been taken, such as the collecting facts and statistics, the investigation of various forms of benefit best suited to the circumstances of the workmen, the means at their command, the scale of premiums which might be safely relied on for a self-supporting society, &c., a scheme was drawn up, and the opinion of the workmen themselves, with respect to the proposed measure, was sought. For which purpose two meetings were convened; the first was attended by 334, and the second by 541 workmen. On the latter occasion, a deputation of 13 was appointed to confer with the committee of employers, and there is every reason for believing that the following opinions which they expressed, were those of the body of workmen at large. "1st. That unless a sick fund was included in the scheme, the most important element would be wanting in a friendly society for the benefit of the building and engineering classes. 2nd. That very few of them could afford to lay by sufficient to purchase a deferred annuity, and that they feared the average length of their lives would make such an investment questionable. 3rd. That the majority of the men were already members of friendly societies; that there was a strong feeling in the minds of the working classes in favour of savings banks, because of the immediate personal control over their savings afforded thereby."

The views of the workmen, thus expressed, were maturely considered in their several bearings by the committee; the advice also of eminent actuaries, particularly that of Mr. Ansell, as well as others interested in friendly societies, was taken. It was ascertained unquestionably that sick funds were almost universally adopted by the large building and engineering firms, and were in a flourishing condition, after their rates had, in many instances, been tested by upwards of twenty years' experience; and, further, the impossibility of watching with sufficient vigilance over large sick societies, spread over widely-extended districts, was made apparent.

The committee consequently arrived at the conclusion that they

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* The Committee of Management consisted of Messrs. Angell, Bunning, C. R. Cockerell, Hardwick, H. Roberts, W. Tite, architects; Messrs. Brunel, Field, Locke, Rennie, R. Stephenson, Walker, engineers; and Messrs. Baker, T. Cubitt, W. Cubitt, W. Grimsdell, Lawrence, Lee, T. Piper, builders.

could not attempt to establish a sick fund; that it was inexpedient to offer deferred annuities, but that their efforts should be directed entirely to the question of Life Assurance. That this object should be offered on the most favourable terms consistently with safety, and that the following advantages should be added :—1st. In order to render the society more analogous to the savings' bank, a loan fund should be attached, whereby an assurer might borrow money on his policy. 2nd. That tables should be prepared (on the principles of the Aberdeen Society) for assurances of any specific sum which it might be convenient to spare, at occasional periods, and for a sum payable on attaining a certain age, or at death, whichever event should first happen. 3rd. That by a Benevolent Aid Society provision should be made for paying all the working expenses of carrying on the society, so that the profits should be shared by the assured, thus offering that which never had hitherto been offered—to effect assurances at prime cost.*

The committee felt that Life Assurances alone, on the above-mentioned principle, would be a sufficient object to commence with, as experimental, in the hope of future development, and the addition hereafter of further benefits for the workmen.

The scheme, thus matured, was considered at a conference held with the Deputation of Workmen, the 25th April, 1851, but they repeated their conviction that a sick fund should form the main feature of a friendly society, and whilst admitting the advantage of life assurance, and the beneficial arrangements of the proposed scheme, they considered that comparatively few would effect assurances unless some other advantage was attached, and that, in their opinion, the society would not be acceptable to the workmen on the principles proposed. Thus this effort terminated, and the sum of £1,120 which had been placed at the disposal of the committee was returned to the subscribers, with the expression of a hope that it might be revived hereafter with happier results.

We now turn with satisfaction to successful instances in which large employers have taken an interest in the future prospects of those in their constant employ, and have felt it a duty to encourage them in habits of prudence and forethought. The testimony universally borne, with regard to their beneficial results, in all the cases which have come under my notice, warrant the most urgent recommendation of a general adoption of measures calculated to effect so important an object, and suited to the special circumstances of each case.

The managers of the *Times* newspaper adopted, about fourteen years since, a scheme which comprises : 1st, a system of savings bank payments ; 2ndly, arrangements for life assurance ; 3rdly, a sick fund;

* An analysis of the accounts of many of the Life Offices in London, published by authority of Parliament, showed that the annual working expenses vary from 20 to 50 per cent. on the premiums, even with large policies, none below £100.

and 4thly, a medical fund. With the exception of the last, which is limited in its benefits to those who reside within three miles of the office, all who are employed in connexion with this establishment, numbering about 220 persons, come within the range of its operations.*

Nearly if not all the *Railway Companies* have established, for the

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* Provident Regulations of "The Times" Office.

These comprise—1st, a system of savings bank payment; 2nd, arrangements for life assurance; 3rd, a sick fund; and 4th, a medical fund.

1. Savings Bank.—The regulations of the Savings Bank provide for payments on a graduated scale.* The compositors pay as follows:—

Those whose earnings exceed 60*s.* a week deposit	5*s.* 0*d.* a week.
Those whose earnings are under 60*s.* and above 50*s.* deposit	3*s.* 6*d.* a week.
Those whose earnings are under 50*s.* and above 42*s.* deposit	2*s.* 6*d.* a week.

The same scale is observed by the machine department, with the difference that as many of the men are paid less than 42*s.* a week and above 30*s.*, a deduction of 2*s.* a week is made from the wages of that class. The book of each contributor is kept by the office, and he is not allowed to draw money therefrom without permission previously obtained. Any infringement of these regulations is considered as a withdrawal from the establishment.

2. Life Assurance.—There are in the care of the manager at the present time (Feb. 3, 1862) 70 policies; and it is hoped that more will be placed there. Those persons whose lives are insured are permitted to withdraw annually from the savings bank the sum required to keep up the policies. The receipt of the payment of the annual premium must in all cases be produced. Nearly all the assurances have been effected with the Mutual Assurance Society, King Street, Cheapside, but any insurer is at perfect liberty to effect a policy with any other office.

3. Sick Fund.—Every person employed in the operative department of the office belongs to the sick fund, which is supported by each person under 45 years of age paying 6*d.* a week; from 45 to 55, 7*d.* a week; and from 55 to 65, 1*s.* 6*d.* a week (unless he has been 20 years in the service, when it is reduced to 1*s.* a week). These contributions are taken weekly by the overseers from the men's wages, and average about £340 a year. The prosperity of the

* The above scale was fixed by Mr. Walter in a letter addressed by him to the compositors and assistants on the 29th January, 1848, and which was as follows:—

"To the Compositors and Assistants in 'The Times' Printing Office.

"Gentlemen,—I beg to acknowledge the receipt of your communication, and to assure you that I have given it the best consideration in my power.

"It gives me great concern to find that a system which was adopted by my late father, after mature deliberation, and with the strongest conviction of its beneficial tendency, should have failed to give satisfaction to those for whose benefit it was solely intended.

"I am nevertheless of opinion that the system is one which it is highly expedient to maintain, and that were I, in compliance with your present wishes, to consent only to relinquish it, I should not only incur the painful responsibility of acting in opposition to the most solemnly expressed convictions of my late father, but should also, at no distant period, incur the reproach of your own selves, and still more of your families.

"As the object, however, of this system was not to impose an irksome restraint upon the members of the *Times* companionship, but only to compel the exercise of a judicious and wholesome economy, I am perfectly willing to adopt any suggestion which, without dispensing with this long-established rule, shall render its observance more easy. I propose, therefore, to adopt the following scale in the place of that which has hitherto existed, and feel no doubt that it will be readily and cheerfully acquiesced in:—Those whose wages exceed 60*s.* will deposit 5*s.* per week; those whose wages are under 60*s.* and above 50*s.* will deposit 3*s.* 6*d.* per week; those whose wages are under 50*s.* and above 42*s.* will deposit 2*s.* 6*d.* per week; those whose wages are under 42*s.* nothing.

"In case of money being withdrawn from the bank (which can only be permitted in very urgent cases), the person withdrawing it will be required to deposit 1*s.* extra per week (not as a percentage) until the sum withdrawn be refunded.

"I remain, gentlemen, your very faithful friend,

"January 29, 1848. "JOHN WALTER."

A notice is posted in the composing and machine departments announcing that any person employed in the office whose life is not insured, may have a portion of his weekly payments to the savings bank applied to the object of securing for him a policy of insurance.

benefit of their *employés*, a provident society. But no uniform principle has been adopted in their formation; in some cases the company pays the weekly contributions of members, in some a portion only, and in others, all has to be paid by the members. Very few, if any, have adopted tables of contributions for given benefits framed by actuaries; most of the companies having made and enforced a rule to deduct a small sum per week from the wages of their servants. These are generally divided into two classes, the salaried, who receive their pay either monthly or quarterly, and those who receive their wages weekly. It is especially for the benefit of the latter class that railway provident societies have been instituted. The earliest of these was established in 1839 by the London and North Western Railway Company; it has been liberally supported by the company, and is, perhaps, the best society of the kind. Its members are persons in the employ of the company, at wages not exceeding 70*s*. per week, who are in good health at the time of their admission, their ages being between 15 and 50.

The benefits dispensed by these societies are, an allowance in sickness, with medical attendance; a sum payable on the death of a member, or his wife; and a superannuation allowance at a certain age, or in case of injury; and a few allow the widows of their deceased members a weekly sum during widowhood. The management is generally in the hands of the higher class of railway officials, but in some cases members also take a part.

There are a few independent associations besides those connected with particular railway companies, such as the Railway Guards Universal Friendly Society, which comprises about 800 members from nearly every known line in England. Its tables have been

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fund is still further strengthened by donations from Mr. Walter, the managers, and overseers, as well as by fines, &c.—at least £100 a year being realised by this means. The fund recognises sickness after a member has belonged to it six months, at a guinea a week for three months, and a reduced sum (which is determined on by the manager) after that time for an additional three months. If the sick member has belonged to the fund for three years he is entitled to a year's pay at a guinea a week, if needed, and after that time a reduced allowance as long as his illness continues. At the death of a member the administrator receives £10 for his burial. The prosperity of the fund since its establishment has enabled three bonuses to be declared, and all members who have belonged to it since 1850 have shared in the benefit of each bonus; others, not having been members more than five years, have only been interested in the last two bonuses. By this means many of the men, in case of death, are insured for from £16 to £25. If any man leaves the office, whatever sum he is entitled to as a bonus, is paid to him. The account each person has to receive is shown in the report furnished to all members. £1000 has been invested in the New Three per Cents., and the treasurer has £280 in hand.

4. Medical Fund.—Every member of the operative department who lives within three miles of the office pays to this fund, arrangements having been made with Messrs. Hutchinson and Halse, of Bridge Street, Blackfriars, to attend to all sickness, except such as is the effect of the man's own imprudence. The rate of pay is 6*d*. a week for married men, whose wives and families are attended to, and 3*d*. a week from single men. This does not include accouchements. The contributions are paid to the medical gentlemen monthly.

computed by an eminent actuary, Mr. Neison, and its members when disabled enjoy a full sick allowance for life.

The encouragement of measures so directly promotive of provident habits as those we have noticed, must, it might be supposed, commend itself to the judgment of every reflecting, educated person; and so I imagined, until hearing recently some of the arguments used by members of a committee in opposition to an apparently very simple plan suggested for their adoption, and which forced on me a conviction of the necessity for the indoctrination of Social Science in the educated classes of the community.

In the case referred to, that of an important society, which has a considerable number of persons in its constant employ, it was proposed that an available portion of the interest of a benevolent fund should be appropriated to the encouragement of life insurances, the amounts insured being payable on the attainment of sixty years of age, or on death, if occurring previously. The persons to be benefited were to have the option of selecting any approved office for effecting the insurance, and in the event of their lives being already insured, the proposed payment was to be made to them, in aid of the premium they now pay. In case of the termination of their engagement with the society, they would retain their policy of insurance without further claim. The leading feature of the scheme was, that persons in the society's permanent employ should, after a certain period of service, be eligible to receive assistance towards the premiums payable on the insurance of their lives, according to the period of their service, and the amount of their salary. The following scale was deemed applicable to the case in question:—

After	5 and up to	10 years' service,	4	per cent. on the amount of salary.			
„	10 „	15 „	6	„	„		
„	15 „	20 „	8	„	„		
„	20 years' service		10	„	„		

This plan was recommended after a full investigation of various forms of life insurance, more or less available for effecting the desired object, including the system of deferred annuities, which did not appear to be applicable in the majority of cases. Taking the average of the premiums likely to be payable under such an arrangement, it was calculated that those who insured their lives on entering the society's service would have the whole of their annual premiums paid by the society on their attaining twenty years of service. Exceptional cases would have to be dealt with out of the remainder of the benevolent fund, or from the general income of the society. By the plan proposed, the amount payable on the attainment of sixty years of age might then be devoted to the purchase of an annuity, or be otherwise beneficially employed, without the capital itself being sunk.

It was maintained that, on the part of employers, such a mode of assisting in the payment of premiums on life insurance would be a suitable recognition and reward of protracted service, whilst habits

of prudence and forethought being stimulated and encouraged, the true and healthy principle of helping those disposed to help themselves would be brought into active operation, and at the same time a wholesome feeling of self-dependence be maintained.

Besides those which have been mentioned, some other large establishments, including that of an important and prosperous joint-stock bank, might be quoted to show the applicability of life insurance, with a provision for declining years, to persons having a very limited income. There is a very large class of such persons in the employ of commercial, benevolent, and religious associations, and though the majority of them may be well educated, their salaries are so very moderate, that they could scarcely be expected to make, in any other way, an adequate provision for old age, or the necessities of a family in case of premature death, but must generally be dependent on pensions or gratuities, often of very uncertain bestowment.

The Official Employment of Women in Works of Charity.
By the Rev. J. S. Howson, D.D.

One great benefit of this Association is that it tends more and more, as time goes on, to single out particular social questions and separate classes of society as objects of definite and distinct inquiry. This kind of progressive subdivision is peculiarly manifest in the case of subjects affecting Women. Workhouses, in their connexion with feminine ministration, were taken into consideration from the first; and there has for some time been an Associated Society having this special aim. The Industrial Employment of Women is another subject to which attention was given at the outset; and now that also is the aim of an affiliated society. I have sometimes been surprised that so little discussion has taken place in the Health Department in reference to the work of women. With the exception of a paper read at Liverpool, on the "Institution for Training and Employing Nurses" in that town, and a paper read last year on "Country Nurses," I do not remember that health has been practically treated of in its connexion with female service. Since last year, however, another offshoot has come into activity in the Ladies' Sanitary Society; so that I feel I am here following a path which has been already indicated by the gradual progress of the Association.

The purpose of this short paper is simply to suggest this subject —the official employment of women in works of charity—as a distinct and definite field of inquiry for the Association to undertake and pursue; the results, so far as they are ascertained, being recorded year by year as materials for discussion and guides for further progress. There is, no doubt, some difficulty in regard to our definitions; but this difficulty is rather theoretical than practical. By "works of charity," I mean such service towards others as

has direct and immediate reference to their temporal, moral, and religious well-being; the motive for such service being presumed to be, mainly, the pure desire to do good. By "official employment" I mean professional employment under definite and recognised conditions; such ministration being, for the time, the fixed and stated occupation of life, as opposed to the voluntary and occasional occupation in charitable service, which every right-minded person endeavours to combine with the business of life. A difficulty still remains as to those persons whom we are to include, and those whom we are to exclude. Many, no doubt, are engaged in the task of education, and in various branches of domestic ministration, from the pure and simple desire of doing good; but still, for the practical convenience of the inquiry suggested, it is best to exclude schoolmistresses and governesses on the one hand, and domestic servants on the other, even if they be nurses attending either on the young or the sick. The former would naturally be considered under the head of Education, the latter under that of Industrial Employment.*

Those, then, whom I should include are—(1) Professional nurses, whether engaged in hospital work or district work, whether in large towns or in the country; (2) Bible-women or poor women employed in religious visitations under the direction of superintending ladies, and whether they be connected with Nonconformist congregations, or acting as parochial mission-women within the framework of the Established Church, or entirely dissociated from any ecclesiastical organization; (3) Deaconesses, who are distinguished from the former both by embracing the official agency of women of the higher ranks, and by working parochially; (4) Sisterhoods, so far at least as their members are not engaged in the ordinary task of school-keeping; (5) Matrons of Institutions, whether those institutions be philanthropic or penal, whether they be established by the State or by individuals: I include of course workhouses and prisons, reformatories, penitentiaries, and orphan-homes. Other "Homes" also, such as those established for needlewomen, or for servants out of place, naturally fall under this head.

I am aware that many theoretical objections may be brought against this whole scheme of arranging the subject; but it is accurate enough for practical purposes, and it furnishes a definite area for a distinct and very useful inquiry. In fact, it is by actually proceeding in these inquiries that we gradually attain to clearness in our modes of classification.

Another objection will occur to many, and by some will be thought serious. There is no true Charity without true Religion; and we differ in our views of religious truth. Is there not danger, then, that a discussion of this kind might degenerate into an angry controversy between Church-people and Dissenters, or between

* It should be observed, however, that in no way would the official employment of women's charity be more useful that in the systematic care of girls preparing for service, and of female servants out of place.

Protestants and Roman Catholics? I think there is no likelihood of such a result. When we are avowedly on neutral ground, we are very free to state our views frankly and strongly. Such statement promotes mutual understanding; and meanwhile we keep ourselves entirely free for carrying on controversy elsewhere. The friendly debates on Education at the Glasgow Meeting may be referred to as an illustration tending to dissipate any fears on this ground.

The mode of conducting this inquiry would be by intrusting to competent hands the task of collecting facts from those who are practically connected with feminine ministrations of the charitable kind. It is presumed that Roman Catholics would furnish statistics of their religious orders, and describe the methods according to which they conduct their operations. Almost every large town has its Bible-women; and nothing would be more easy than to collect full information concerning them, and to record it year by year. London at least has its Parochial Mission-women; and the Deaconess-system now is not only made a subject of active discussion, but is being brought to the test of actual experiment. Each year will develope some new experience in works of this kind, which might be made widely and generally useful. And to turn from the more exclusively religious side of the question, there is much reason for recording and examining whatever improvements take place in Hospital-nursing, and whatever results are found to follow the establishment of systems of District-nursing in Towns, or the Training of Nurses for the Country: nor are the lessons less valuable which grow out of the experience of woman's varied service in Reformatories, Penitentiaries, Orphan-Homes, and Prisons.

It is impossible to enumerate these subjects without being reminded that the greater part of such service is of very recent growth, and, at the same time, that the materials for a very copious inquiry are rapidly accumulating. If there were any doubt of the wisdom of treating this subject as a distinct and specific field, I am persuaded that a little perseverance would soon justify it and prove its usefulness. A large number of most interesting and important questions would arise in the process—as to peculiar difficulties connected with this kind of ministry; as to the need and the mode of training those who are to be engaged in it; as to the best methods of arranging their work; as to lodging, dress, payment, phraseology, and various minute details, the importance of which is realised only on a minute examination. The discussion of such subjects in the spirit which usually prevails in the meetings of this Association could not fail to be of signal advantage towards the gradual formation of opinion, in regard to the charitable service of women, and towards the efficient progress and safe organization of the service itself.

This field of inquiry is the more earnestly to be commended to the attention of this Association, as it is closely connected with the question of the industrial employment of women. In regard to this

subject, there are two extremes of opinion amongst us; some would seem to wish to make women as independent of men as possible; others would contend that all women ought to be employed in what have been called "home-ministries." As regards the former theory, nature is too strong for it; as regards the latter, the necessities of our social state will prevent its being realised. But there is no need to enter into that controversy here. The official employment of women in works of charity may be viewed either as an industrial employment or a home-ministry; and on either view it deserves careful and distinct consideration, and needs to be better organized. While I was writing this paper, I saw with great satisfaction in the *Times*, in an article on the employment of women as now under active discussion here, the following sentence—"It is strange that an occupation, the best suited of all for female agency, which, in foreign countries, is productive of the greatest blessings, the visitation and nursing of the sick,"—and to the sick might be added all those who are in distress, ignorance, and sin,—"should enter so little into these schemes for the employment of women."*

The Free Library of Birmingham.† *By* EDWARD C. OSBORNE.

THE meeting for the formation of the Birmingham Free Library took place on the 21st February, 1860, in the Town Hall, when about 1,500 persons attended; and although an opposition to the measure was attempted, it signally failed, as the meeting almost unanimously passed a resolution in favour of the adoption of the Act, and which was duly recorded by the mayor, who presided on the occasion, amidst great enthusiasm.

A joint committee of Members of the Council and of Burgesses was appointed by the Council to carry the Act into operation. It was decided to establish a large Central Reference Library, with a Gallery of Art, for which purpose the Council granted the sum of £10,500, and four District Lending Libraries with News Rooms, in various parts of the borough. The Central Library is about to be erected on land adjoining the Midland Institute, near the Town Hall, connected with which will be one of four District Lending Libraries. Owing to the great difficulty in obtaining suitable land or premises, at present but one Library is open. This is situated on Constitution Hill, and consists of a room 58 ft. by 25 ft., with a residence and offices for the librarian. There is wall space for 8000

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* The suggestion has been made that some part of Mr. Peabody's great gift might wisely be applied in securing for the poor the professional ministrations of women.

† For the provisions and results of the Acts of 1850 and 1855, see *Transactions*, 1860, p. 855.

volumes, and the room is capable of accommodating 100 persons. The tables are well supplied with newspapers and periodicals, but no books are permitted to be read in the room. The cost of fittings amounted to £351 9*s.* 6*d.*

This Library was publicly opened on the 3rd of April, 1861, by the then mayor of the borough, Arthur Ryland, Esq. The arrangements for the issue of books were not completed till the 22nd of April, on which day the first issue took place; crowds of persons presented themselves for tickets, and so great was the excitement, that for several weeks applicants had to wait upwards of an hour before their turn arrived to be attended to, as many as 200 persons applying at one time. The Reading Room, however, which forms an important feature in connexion with the Lending Library, was opened on the day of inauguration, and, as will be seen, the public have not failed to avail themselves of its advantages. The experience of the past year proves most conclusively that all classes of society fully appreciate the importance of the means of education which Free Libraries afford. 108,057 volumes have been issued since the Library was opened, a period of 287 days, being an average daily issue of 376 volumes. As many as 813 volumes have been issued in one day. It will be seen by the returns in this paper that the number of issues is steadily increasing. 5,422 persons have been enrolled as borrowers, and as the Library consists of 6,288 volumes, the larger portion of the books are constantly in the hands of the borrowers. One of the most interesting features of the experience of the past year is the uniform good conduct and order manifested by the thousands who frequent the Library; not a single instance having occurred where it has been found necessary even to complain. Another fact, also worthy of especial note, is, that out of an issue of upwards of 108,000 volumes, three only have been lost to the Library, and only one instance of dishonesty has occurred.

TABLE I.

NUMBER OF VOLUMES IN THE LIBRARY, AND THEIR CLASSIFICATION.

CLASS.	Number of Vols. when first opened.	Number added during the year.	Total.
Theology and Philosophy	111	7	118
History, Biography, Voyages, and Travels	1,295	401	1,696
Politics, Law, and Commerce	77	26	103
Science and Art	349	227	576
Miscellaneous Literature, including Poetry and the Drama, Periodicals and Fiction	2,083	1,712	3,795
Totals	3,915	2,373	6,288

The average cost per volume of the whole Library is 1*s.* 1½*d.*

TABLE II.

The Number of Issues of each Class of Books for each Month, the Number of Days in each Month the Library was Open, and Daily Average Issue of each Class of Books during the Year.

	Theology.	Philosophy.	History and Biography.	Politics.	Science and Art.	Miscellaneous Literature.	Totals.	Days Open.	Daily Average.
1861.									
April.....	55	20	857	68	209	1,593	2,802	8	350
May	111	73	3,091	156	616	4,853	8,900	27	329
June	81	55	2,012	108	509	4,091	6,854	20	343
July	88	43	1,923	103	498	6,545	9,201	27	340
August	85	36	1,720	91	547	7,564	10,043	27	371
September ..	92	39	2,009	99	456	6,577	9,272	25	366
October.....	97	50	1,934	135	1,277	7,081	10,574	27	391
November ..	110	50	2,505	130	783	6,826	10,404	26	400
December ...	85	54	2,129	119	641	4,646	7,674	24	319
1862.									
January ...	94	48	2,609	120	614	5,484	8,967	23	389
February ...	92	50	2,647	125	903	6,498	10,315	24	429
March	77	47	3,633	79	725	7,382	11,943	26	459
April.....	8	2	229	5	88	774	1,106	3	368
	1,075	565	27,298	1,338	7,866	69,914	108,057	287	376

TABLE III.

The Number of Issues of each Class, the Number of Times each Class has been Issued, and the Daily Average Issue of each Class.*

Classification.	Number of Volumes in Library.	Number of Issues for 287 days.	Number of Times each Class has been Issued.	Daily Average of each Class.
Theology and Philosophy.....	118	1,641	14	5½
History, Biography, Voyages, and Travels	1,696	27,298	16	92
Politics, Law, and Commerce	103	1,338	13	4½
Science and Art	576	7,866	13½	28
Miscellaneous Literature, including Poetry, the Drama, Periodicals and Fiction...	3,795	69,914	18½	246
	6,288	108,057	75	376

* It appears from this table that 6,288 volumes, being the number of books the Library contains, have been issued upwards of 17 times during the period it has

TABLE IV.

The Occupation of 310 Borrowers, being those admitted to the Library during the month of March, 1862.

Agents	5	Gun Finishers	15
Authors	1	Jewellers	54
Brassfounders	19	Medical Students	9
Chasers	9	Painters	3
Clerks	47	Office Boys	24
Die Sinkers	8	School Boys	49
Engravers	15	,, Girls	22
Electro-Platers	9	No Occupation	21

TABLE V.

THE AGES OF 304 BORROWERS.

12 to 15	15 to 20	20 to 25	25 to 30	30 to 35	35 to 40	40 to 45	45 to 50	50 to 55	55 to 60
94	88	39	26	16	16	9	4	9	3

As no detailed account has been kept of the occupations and ages of the borrowers, until recently, the number admitted during the month of March only is given. It is most gratifying to find, from the above table, how large a proportion of borrowers are young persons. It will be observed that among the occupations, that of a Jeweller is much in excess of any other; this arises from the circumstance of the Library being in the locality where that branch of manufacture is principally carried on.

Number of visitors who entered the Library and News Room during the week ending February 8th, 1862.—Monday, 1,484; Tuesday, 1,260; Wednesday, 1,708; Thursday, 1,470; Friday, 1,380; Saturday, 1,980. Total, 9,282. The above is believed to be a fair average of the number of persons who enter the room daily, either for the purpose of reading the newspapers and periodicals, or to borrow books. It amounts to the enormous number of 482,664 persons for the year.

During the year, 5,422 tickets have been issued to borrowers. Five have been cancelled for non-compliance with the rules, and

been open. And if we add to the 108,057, the number issued during the eleven months and eleven days the Library has been opened, 6,000 for the remainder of the year, the issue would be increased to 18½ times.

It is remarkable how much periodical literature is sought after. The Library contains 407 volumes of this class, the number of issues for the year amounting to 20,509. The issues for the year for the class Poetry and the Drama amounts to 8,262. As the issues for the year of Miscellaneous Literature (which comprises, besides Periodicals, Poetry and the Drama, and Works of Fiction) are 69,914, it follows that if we deduct therefrom 28,771, the amount of the above numbers, there remains 41,143 as the issue of Works of Fiction.

sixteen in consequence of the withdrawal of their sureties. Fifteen books have been lost during the year; eleven have been paid for by the borrowers themselves, one by the guarantors, the remaining three are lost to the Library.

In conclusion, it may be interesting to state that the current expenditure of the year, including newspapers, magazines, stationery, rent, insurance, gas, coal and salaries, amounts to £326 16*s.* 0*d.* If to that sum be added the cost of additional books, which of course can be regulated according to circumstances, and the expense of binding, &c., we have the future annual amount required to maintain the Library; a sum so insignificant, when compared with the good that is effected by means of these institutions, that it is surprising so few towns have as yet adopted the Act.

The Social Economy of a Working Men's College. *By* R. B. Litchfield.

The name of college would seem to point to a subject more allied to the department of education than to the class of questions which this Section meets to discuss: and a paper in fact has been read in the Educational Section by Mr. Maurice, upon Working Men's Colleges in their educational aspects. But it was thought, and I believe rightly, that the subject has a claim to be treated also as having definite relations to social reform. I say, definite relations, meaning, that we do not wish to use "social reform" merely as a peg whereon to hang an exposition of the theory of a Working Men's College, on the vague plea, that education is one of the agents which contribute to improve the condition of society, but because the business of carrying on a certain work, primarily educational, has brought closely before us, and forced us to deal practically with, certain other questions mainly social.

To show how this is, I must try to explain in as few words as possible what a Working Men's College is, and what are its social arrangements, taking as a specimen the one in London, which is now completing the eighth year of its existence.

A body of men mostly employed in the busy avocations of professional life, a large proportion of them members of the old Universities, join together for the purpose of giving working men such an education, or such of the materials of an education, as they have had themselves. Their ground of union is simply a belief that the chief value of mental cultivation is entirely independent of the nature of a man's occupation; that the only education good for anything beyond money-making is non-professional. To this body of about 20 or 30 teachers come about 300 or 400 students. The teaching is made as colloquial, as personal, as possible. Besides the intercourse this involves, the teachers take and make such opportu-

nities as they can for promoting intercourse with the students outside of the class-room. One of the best and biggest rooms in the house is made what would be called in ancient colleges the "common room," with the difference that it is open, not to the higher sections of the whole body, but to all. Here goes on at all hours when the college is open, tea and talk, periodical and occasional. From a certain hour in the evening, pipes are allowed to be lit, a privilege not sparingly used. Tea and coffee are the only other materials to good fellowship. They are found to be ample for the purpose. On one night in the week a couple of hours are devoted to what in college phrase is called a "social," that is, a meeting at which it is understood that the conversation is more general than private, and which is meant to serve the purpose of a periodical rendezvous for old or absent students and teachers. Some years back it was the custom for separate classes to devote an evening to tea and talk among themselves, either at the college or at their teacher's home: the more general and active fraternization of the coffee-room has had the effect of suspending this particular form of social intercourse.

General meetings of teachers and students are held six times a year. Twice a year is held a gathering, called, for the want of a better title, by the long name of "conversazione," to which wives, sisters, and female friends come in great numbers. A music class open to both sexes, in connexion with the college, helps to promote and provide entertainment for these social meetings. Another subsidiary aid has been a cricket club and a boxing class, (the latter under the direction of one familiarly known as "Tom Brown"). These have, however, of late been displaced by the not less effectual promoter of good fellowship, a college rifle corps.

In addition to this, many members of the college, students and teachers, make it a practice during the summer months to take long country walks once every fortnight or three weeks, in which members and their families of all ages join. I should add, however, that these take place on Sundays, the only practicable day, and are entirely unauthorized by the college or the council, it having been decided that it is undesirable to commit the college, as such, to any particular view on the question of the use of Sunday. And one or two well-wishers to the college have added much to the sum of social pleasure, by inviting large parties of the college-students, teachers, and their friends of both sexes, to their houses in London and the neighbourhood, and treating them with the most generous hospitality.

In all these gatherings, teachers and students mix on equal terms. The most complete cordiality is established between them, and this cordiality is not found to diminish the respect which is due from one body to the other in regard to their relative positions in the college. As for any difficulty arising from the difference of conventional social rank, such a difficulty, I can affirm, has never been felt at all. The natural shyness and reserve of Englishmen have been the worst obstacle to the establishment of a complete freedom of intercourse. This barrier, indeed, it is found not an easy task to break

through ; but the mere fact of some of us differing from the others in education, occupation, amount of income and such like points, has not been found to place any obstacle in the way of mutual confidence. On the contrary, it has often been observed that there is more trouble in establishing cordial relations between the students themselves than between the latter and their teachers.

To many people, as I know by conversing on the matter with some who are not the least enlightened of mankind, this fusion or disregard of social rank seems a strange thing, perhaps an unwise thing, but the matter has with us arranged itself quite naturally, without our having had occasion to feel or suspect the existence of a difficulty. Our principle, so far as we have one, or rather so far as I dare venture to express it in a form of words, is, that the social differences which result from diversities of birth, education and employment, are quite trivial when balanced against the weight of common interests which must bind together the fellow-citizens of a great nation, or to take wider ground still, the fellow-strugglers in the race of human progress. The differences are real enough certainly, and it is mere vanity to attempt to sink the fact of their existence, but there is nothing in them which necessarily tends towards separation. If one man is richer than another, better educated, has spent more time in reading, thinking, and learning, it is his own fault if he is not, putting aside any great disparity in natural ability, a more generally capable person than the other, able to take a more important share in the general work by which civilized society is carried on. To deny that he is the better for such advantages as he has had would be to deny the very first assumption on which all efforts after social amelioration are based. Some of us now in this room have probably but one tenth part of the wealth and one hundredth part of the wisdom of some others ; but this disparity does not keep us apart, it rather furnishes additional reason for our meeting, and the meeting involves no humiliation on one side and no condescension on the other ; we meet on equal ground, but without in the least pretending that there are no differences among us. So of the mixture which takes place between the teachers and students of a Working Men's College. There a man who has been brought up to make shoes finds himself alongside of a man who has been brought up to make speeches or draw deeds, and who has therefore had to think more, learn more, and make himself generally cleverer than the other. Now we are not so foolish as to make believe that it is not on the whole a pleasanter and more desirable thing to be a barrister than a shoemaker, but we do most vehemently assert that one occupation is not a whit the more honourable than the other, that our teacher has no more reason to be proud of having had a father who could afford to send him to college than the man he is talking to has to be ashamed because he was obliged to leave school at thirteen. It would be impertinent to waste the time of an intelligent audience by repeating what is, when thus nakedly stated, a mere truism, if it were not that the principle is incessantly for-

gotten, and by none more, I am afraid, than those who are busy on schemes for social improvement. It would be impossible, I suppose, to estimate the harm done, for instance, to the cause of popular education, by the incessant repetition of the contemptible doctrine that education is a good thing because it helps a man to rise out of the station he is in to another which is, forsooth, more honourable, as if it were not a thousand times more "honourable" to be a hardworking shoe-black than a lazy M.P.

The mere desirableness of establishing and fostering more intimate and cordial relations between men of different classes will not, I suppose, be disputed; what I wish to show is that by nothing is this object more promoted than by the work that goes on within the walls of such a college as that in Great Ormond Street, and that the presumption that this would be the case has been actually confirmed by our experience of the fact. Viewed with reference to this object, the business of teaching and learning furnishes the best possible centre of action; the process of helping one another out of our ignorance is just that form of mutual help which carries with it the least possible suggestion of dishonourable dependence. Mental enlightenment is a thing which no man dare say he owes to himself alone, it is the result of gathering from others, from contemporaries and from forefathers. Owing as much as we do to the far-seeing bounty of other ages, accepting, as even the wealthiest do, many of our scholastic privileges as a free gift, we cannot pretend that it is a condescension to spend a little effort in passing on the torch which has been lit for us by others. Another reason for making teaching our basis of operations in working out the principle of association is, that in order to give life and substance to the principle of union, there must be some common effort to unite in. If a lot of men meet together in a room with merely a general intention to become good friends, it is most likely that unless they hit upon some work which will bring their energies into combined action, their fraternization will evaporate in idle utterances of mutual laudation. Some tolerably hard work with a definite aim is wanted to give cohesion to their union; without it their society will be like a body without a backbone, a poor molluscous organization. And the best of all work for the purpose is evidently that which carries with it the most incessant interchange of thought, bringing one mind into the closest contact with another.

Coming to the results of our own experience, we can affirm that such has been found to be the actual result in Working Men's Colleges. It would be hard for me to express my own sense, and I believe the other teachers in the London College would concur with me, of the good which has flowed from the intercourse which there has gone on and is going on between its members, and more especially between teachers and students as such, the representatives of classes conventionally described as gentlemen and working men. And it is not for the glorification of those concerned in that single effort that the attention of this Association is directed to this instance of

success, but in order that others in a position to carry on a like work in other places may be induced to make the attempt.

I recollect that Mr. Maurice, when first this college was set up, insisted not a little on the notion that, whatever the working men had to learn, we had at least as much to learn from them, and I recollect also assenting cordially enough to the spirit of that proposition, but with a half disguised feeling that it must be a kind of pleasant exaggeration. Eight years however have gone by since then, and every day has made me feel more and more deeply that the proposition was true to its very letter. Not indeed that I could put down a string of new facts or principles which have been revealed to us by the process of teaching a certain amount of mathematics, history, or languages, but that the formation of intimate personal relations with men whose habits of thought, points of view, and ways of life, differed so much from our own, has been a constant and invigorating stimulant, a dissipator of class prejudices, a destroyer of the "idols of the den," and an introduction to what, in comparison with the narrow circle of ideas with which most of us enter upon life, has been nothing less than a new world of thought and experience.

This is a little of what the college has been to its teachers; what the working men have got from it, one can only learn from them. I therefore ask you to listen to what is said by some of them on this point. This paper was in fact to have been written by one of them, who for a long time was one of its best students, and has now for some years been one of its most active teachers, and who, from occupying that double position, would have expounded far better than I can the object and results of college work. But as lack of time has prevented him from finishing a paper on the subject, he has allowed me to read a few words from what he had written with the view of reading to this Meeting. Mr. Tansley says:—"Of the value of the social life of the college I can only say that it has been by far the best part of my education; the long talks with teachers and students in the college coffee-room, or at a Sunday walk, have an influence for good which cannot be estimated, an influence which I am sure has been carried into homes and workshops. Old college friends have told me how the college awakened them into finding out their duties, and more, into trying to do them when they had found them out, and they have expressed the deepest gratitude to the men who have done it. I am convinced, however, it never would have been done had those men confined themselves to their work in classes, valuable as that work is, had they not shown that they wanted a true fellowship with their fellow-men, working men as well as others, and that in the case of the former they were not satisfied with the relation of master and pupil, or of employer and employed. From what I have seen in our college, I believe strongly that if gentlemen want really to understand working men they must spend part of their lives amongst them, they cannot do it any other way. Let university men, as a rule, while still at Oxford and Cambridge, and when they leave there, mix with working men; let the object of their association be

the education of the latter; but at the same time let there be companionship and a real common life between them. We must not, I suppose, expect this during the present generation, for there are, I know, enormous difficulties in the way, and the prejudices of the working men themselves are not the least of these; they also have their part to do, they must meet their teachers frankly, and accept their teaching, not because they hope it will lead to enabling them to earn more money, but because it will make them better men and better citizens, because it is a duty they owe to England to do their best to become educated men. At all events the working classes ought to be, and as far as the students of the Working Men's College are concerned, they are, deeply grateful to Mr. Maurice and his colleagues, for asserting in many ways, but chiefly by the foundation of our college, the necessity for such an association as I have indicated above, and the right of working men to the highest kind of education."

I could quote an abundance of testimony of this kind furnished by the students, if I could recall repeated declarations to the same effect made at our general meetings.* Men have there told their fellow-students that the college was their "second home," that to it they owed the most valuable friendships they had ever made, friendships which actually made up a considerable part of their lives.

This has been told us with a straightforward simplicity which has left no doubt that, warm as has been the regard expressed by the speakers towards the college, they have meant rather more than less than they have said; and indeed, we who move within the college circle scarcely needed to hear such testimony at all—the spirit of college companionship is so plainly visible, brightening, expanding, and strengthening the daily life of one and another of the students. This will not, I think, appear an overcharged description to any one who considers the evidence borne by the daily experience of all to the enormous force and importance of the "social instinct." Is it not admitted that most of the good got by a student of one of the old English universities, is from what Mr. Carlyle calls the "manifold collision and communication between the young souls" that are found there, "which, to every one of those coevals, is undoubtedly the most important branch of breeding for him"? And, to take an illustration of the most opposite kind, is not our most bewailed peculiar national vice of drunkenness, an indirect result of the same social instinct? It is chiefly the love of companionship, coarse as we may think this form of the sentiment, which drives men to the public-house.

Any plans of social improvement, educational or otherwise, which do not take this element of human nature into account will be nearly certain to fail of their object. Thus it is, as some of us think, that the Mechanics' Institutes, useful as they have been, have virtually

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* See two papers on this subject by *Ricata*, in vol. iii. of the *Working Men's College Magazine*. Macmillan & Co.

failed to do what their founders hoped for them. The colleges work upon the principle of a direct personal relationship between teacher and student, and between student and student; on the principle, in short, that in order to do any good to or for a man you must first make a friend of him. If such colleges come to be counted by hundreds instead of by tens, and there seems no reason why this should not be, it will be seen whether the same influences which have been prolific of good in small areas will not, when their range is extended, contribute to the solution of some of the greater political and social problems of our century.

SOCIAL ECONOMY.

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RICHARD MONCKTON MILNES, ESQ., M.P.

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J. G. HUBBARD, ESQ., M.P. | WILLIAM NEWMARCH, ESQ., F.R.S.

Secretaries.

ANDREW EDGAR, ESQ.—T. E. C. LESLIE, ESQ.—PROFESSOR JOHN WILSON.

In this Department are considered the various questions relating to Social Economics; the conditions of industrial success, whether of nations or individuals; the relation between employers and employed; strikes and combinations; legislative interference with the hours and wages of labour; legislative regulation of professions, trades, and employment generally, and of price and means of supply; emigration, its effect, and true conditions; industrial employment of women; female emigration; industrial and economical instruction of the labouring classes; public amusements; social economics in relation to education; exercise of public and private charity; relief of the poor.

SUMMARY OF PROCEEDINGS.

In addition to the papers printed in the foregoing pages, the following were read in the Department:—

"On the Relation of Co-operative Success to the Educational and Moral Improvement of the Working Classes." By the Rev. Henry Solly.

"The Liverpool Co-operative Provident Association." By J. Wilson.

"On certain Moral Errors which endanger the Permanence of Co-operative Success." By G. Holyoak.

"The Labour Question." By J. Scott.

"On Improved Dwellings for Work-people, with a Plan for

Building them in connexion with Benefit Building Societies." By Edward Akroyd.

"On the Application of the Principles of Co-operation to the Improvement of the Dwellings of the Labouring Classes, particularly in Agricultural Districts." By the Rev. I. B. Robinson.

"Improved Dwellings for the Industrious Classes." By T. Pagliardini.

"Hastings Cottage Improvement Society." By W. A. Greenhill, M.D.

"The necessity that exists in Dublin for the adoption of the Model Lodging House System." By Nugent Robinson.

"The Progress of Public Opinion on Woman's Work." By Bessie R. Parkes.

"Paper on some of the Drawbacks connected with the Present Employment of Women." By Emily Faithfull.

"On the Condition of Women as affected by the Law." By Mary C. Tabor.

"Medicine as a Profession for Women." By Emily Davies.

"Report on Female Emigration." By Maria S. Rye.

"The Emigration of Educated Women examined from a Colonial point of view." By Florence Hill.

"Woman's Supervision of Woman's Industry." By Anne Jellicoe.

"Some Account of the Dublin Society for the Employment of Educated Women." By Barbara Corlett.

"Cheap Reading for the People." By Oliphant Ferguson.

"The present Condition and Prospects of the Saturday Half-holiday Question in the Metropolis." By B. Shaw.

"The Amusements of the Working Classes." By John Hyde.

"Flower Shows for the Poor of London." By the Rev. S. H. Parkes.

"A Library for the City of London." By M. Feilde.

"The Society for the Relief of Distress." By — Bromley.

"Pauperism and Proposed Remedy." By George Cordwent.

"Observations on Pauperism; and Suggestions to Improve and Assimilate the Poor Law System throughout the United Kingdom." By Captain Beamish.

"The Theory and Practice of Taxation." By C. E. Macqueen, Q.C.

"Direct Taxation." By J. Partridge.

"On the Social Results which would be likely to follow the Total Abolition of Indirect Taxation." By R. Martin, M.D.

"The Rise and Fall of Life Assurance Offices, with Suggestions for their Improvement." By the Rev. W. Webster.

"On a Provident Fund on Self-supporting Principles for Miners." By F. Mathews.

"The Support by the State of the Independence of the People." By Sir John S. Forbes.

EMPLOYER AND EMPLOYED.

On the reading of Mr. Ludlow's paper, printed at p. 693, followed by that of Mr. Harrison, p. 710, the following discussion took place. Mr. Newmarch, F.R.S., in the chair.

DISCUSSION.

Mr. MOSSMAN.—I reside at Edinburgh, where the nine hours' question was much agitated; on the part of the men, it was contended that it was reasonable to ask for the curtailment of the hours, as they were willing that wages should be reduced, and that they should be paid nine hours' wages for nine hours' work. The masters seemed not to be disposed to assent to this, arguing that if they then granted the short time the men would afterwards strike for the full wages. It was then urged that the masters ought to give the short time, and if the men afterwards insisted on the full wages then was the time to dismiss them and close their works. The masters did not see this, and they allowed the strike to take place just at the time when extensive building operations were going on. This created a good deal of distress, not only amongst the building trades, but amongst a class whom very few people think of—the small shopkeepers—and through them, the whole community. The masters could not execute their contracts, and they were therefore obliged to yield, and the result is that the men were and now are employed for nine hours. Now the question is, are the men right to insist upon the reduction to nine hours, especially when it is only in the season that the work can be carried on; and was it judicious that they should curtail the hours and therefore their own emoluments? It appeared to me, that, looking at it in an economical light, they were wrong, as regards their own interests, in asking to have the hours curtailed. With short days' wages their comforts will be less. It is necessary at times that we should get extra work from our workmen, and if a job comes in they have no objection to work eleven, twelve, or even thirteen hours. If they could not do that, certain work would be left undone altogether. For the extra hours the masters give the men one-half more wages, and in many cases a workman, by saving the extra wages, will in a short time have a house of his own, arising from those extra wages. I think, therefore, that the step was a wrong one for their own interest. They also insist that all should work an equal length of time; is that fair? One man may be a single man, another may have a wife and six children, or even more, and I think it is unfair to compel him to limit his work to the same number of hours as the single man. One shopkeeper might as well say that another has no right to keep his shop open after certain hours. But we see shops opening and closing at different hours, and each man chooses his own system. I think the system advocated by Mr. Harrison is not one that will be likely to meet the interests of the men. I am no advocate for the employers, for I think that if they had given in at once, as they were obliged to do at last, they would have saved a great deal of distress and misery; but I still think that the reduction of time will not be found to work correctly. I do not think it possible for the Legislature to regulate the relations between employer and employed; it must be left to their own common sense and sound judgment to guide them in their dealings with each other.

Mr. HURST.—There is a general tendency to curtail the hours of labour in every occupation. Amongst shopkeepers, it is very common to curtail the hours. I remember the time that persons employed in shops used to begin work at eight o'clock and keep on till eleven o'clock at night. That was a system that could hardly be justified. We have now a better system, and I think the curtailment must be a very great advantage. If the men are unanimous to work for a less number of hours they will not have less wages. If the supply of labour be less, the demand will be greater, and wages will be on a par or perhaps increased; or if the rate of wages be diminished, it will show that if there had not been that curtailment, wages would have been still less.

Mr. MARTIN.—The question of time is regulated by the same principles as the question of wages. Time is an element of value as much as money, and the quantity of time must be regulated by the same principles as the quantity of money, and you cannot interfere with the one without affecting the other. Unless you propose a universal remedy, unless your tribunals or regulations can deal with the question of time as well as the question of money, the best thing would be to leave each party to judge for himself. No doubt they may go wrong, but it is better to leave the working man to that tutoring which experience will give him. By interfering you will do greater mischief than by letting him alone.

Mr. POLLARD-URQUHART.—I cannot but think that the first strike in the building trades in 1859 has been unduly abused because it was not understood. The men demanded that the hours should be reduced from ten to nine, and it was said that that would be equal to 10 per cent. I have heard it stated that the last, the tenth hour, was not worth one-tenth of the day, but only about equal to one-twentieth, so that asking a whole day's wages for nine hours' work, instead of being equal to an advance of 10 per cent., was only equal to an advance of 5 per cent., and that they were justified in asking for that increase on the ground that wages are regulated by the law of supply and demand. At the time of the discussion about limiting the hours of labour in 1843 and 1844, it was said: "Give perfect freedom of trade, and of work, by the repeal of the Corn Laws, and instead of being obliged to regulate these matters by legislation, you will find that the workmen will be able to take care of themselves." Now it certainly does seem rather hard to find fault with them for doing what it was said they would be so well able to do, and it would be so great a good for them to be enabled to do after the repeal of the Corn Laws. I do not say that there has not been a great deal of folly and ignorance and violence. But I hope that the days of violence and intimidations are over. Mr. O'Connell, who complained a great deal of the effects of the Act of Union, said that there had been more harm done to the people of Ireland by the Dublin strikes of 1822-23 than by all the absenteeism caused by the Union. In another place, Kilkenny, there was formerly a flourishing blanket trade, but on a dispute arising between the masters and their workmen, the latter turned out; the consequence was that the trade declined, until the masters had to give it up, and the men who struck are now reduced to a deplorable condition. In other instances also it has been the result of a strike to destroy a flourishing trade, and reduce the working people to misery.

Mr. DUNNING.—Mr. Mossman says that the nine hours' movement was bad for the people themselves, and he gave his reasons for that view. But he finished by stating this fact—that the workmen get additional pay for every hour of overtime, and are thus enabled to buy houses for themselves; so much the better for them if this takes place at the end of nine hours instead of ten. It is an argument in favour of the nine hours. I have no doubt that Mr. O'Connell was justified by the evidence which he had at his command. But that makes no difference with regard to the question of trades unions and strikes. That men abuse both makes all the difference. That which in itself is lawful and justifiable, when misused becomes a curse. Nobody seems to dispute that the men have a right to combine.

The CHAIRMAN (Mr. Newmarch).—I think you may fairly assume that nobody disputes that they have a right to combine.

Mr. DUNNING.—Then if they have a right to combine, it is right for them in combination to refuse to work except upon certain terms. And then they have a right to strike, for to refuse in combination to work except on certain terms, is to strike and nothing else. Assuming that to be correct, it is a misuse to use violence or intimidation; and it is found that where trade has been driven away, as it was at Kilkenny, it has been from the violence that was used. But then what was Mr. O'Connell's idea of a trade combination? It expressly understood that all such combinations were societies for the use of violence. He did not at any time express any objection to combinations where they did not use violence. So that this driving away of the trade must be attributed to the violence that was used, and to the

ignorance and brutality of the people who used it. It is natural that people seeing violence arise from strikes, should regard the strike as the cause of violence. Strikes are not the only things from which the most atrocious cruelties have arisen, and with the apparent sanction of the community. Divest these strikes of violence, and then they will be confined to legitimate means, which will be recognised by all persons as right and proper.

Mr. POLLARD-URQUHART.—I hope I have not been understood to say that I had any objection to trade combinations. On the contrary, I think that without them the working men might be ground to the dust by their employers. But I would have them avoid excesses, as much for the sake of preserving the unions as for any other reason.

Mr. CHARLES BRAY.—Theory and practice are totally different things. What is steam for? What is the use of machinery? It seems to me that if it does a great deal of work it might be supposed that it would give a great deal of leisure to all classes. The object is not to produce luxuries by which we stifle our own souls, and get an unnatural state of living, but to enable us to do with less work. If we are to lay down a theory, before deciding upon practical details, I would say that a man should have eight hours' labour, eight hours' sleep, and eight hours for recreation. But it would be too much to give the working man the two hours additional at present; he does not know how to use it. But we should lay down the theory that he should work but eight hours, and proceed by stages. He himself subjectively is not fit to receive the additional two hours; he would misuse it. That is the mere theory. I am an old employer; a retired manufacturer, and I have seen much of strikes and of injudicious proceedings in those strikes. Two out of three strikes, in my experience, have been most injudicious in the commencement and management. I don't say that strikes are wrong—these were most injudicious, but that does not prove that others may not have been right. I do not see any other way that labour can hold its own against capital. Capital and labour ought not to be antagonistic, but the masters do not do all that they ought, and the men have no power of contending with the masters except by combination. As for free trade, I can only say that if the man goes to make his individual bargain with the master he does not get his fair share of the profits. He has no protection, and in his ignorance he does not know how to go to work. It is easy to calculate what is lost by a strike. At present the capitalist has the voice of the writer and the talker on his side. All the good that may have been done by strikes is not told, but all the evil has been told. Combinations, however, show an elastic principle that has prevented the workmen being reduced to the mere necessaries of life; and I am satisfied that, much as they have been abused, they have done a great deal more good than mischief. And as the working men increase in intelligence, bigotry will diminish, and tolerance will increase, and they will learn to make a proper use of the power of combination, and avoid the abuse and mismanagement. There never was a more reasonable demand than that of the builders for a reduction to nine hours. What has machinery done for the working man? I admit that his wages are increased, but to nothing like the extent that would give him the same advantage as the rest of the community. I think political economy is on the side of the workman, though I am sorry to say that the *Times* and the greater part of the Press is on the other side. There is a very unjust division at present between capital and labour. The capitalists, who are but one-seventh portion of the community, take two-thirds of the benefit, and the consumer gets the other third, and I don't see how we are to get a more equal division unless by the means of combination. They must educate themselves, not only in reading and writing, but in social economy, and that will teach them toleration and guard them from the repetition of former errors. It will teach them to agree. They will learn that we have a community of interests which must be pursued by all the world in unity. They will get this knowledge, and then they will learn to make a proper use of the power of combination.

Mr. G. LUSHINGTON.—If we are all agreed that these combinations are lawful, how is it that they are so called in question? Masters set their faces uni-

versally against them. All the public papers look with suspicion and distrust upon them and deal in very harsh terms in regard to this question. In these matters we must look to the real welfare of the working man and not to the amount of wages merely. It is suggested that it is a pity that a man should not be allowed to earn as much money as he likes. But admitting that it is important to him that he should get good wages, yet if his sticking out is to produce lengthened time, to make him work the increased time for the old rate of wages, what then becomes of the policy of his having fought for his own bargain? And the men feel this themselves. Mr. Harrison says that the passion of the men is for the limited number of hours. If the hours were limited, the man's habits would become regular, and he would have an inclination to bestow himself upon his general improvement and the happiness of his family. Besides the masters and men, there is another party interested, that is, the public. In order that the matter might be settled for their interests they wanted information. We found assistance from one side only or chiefly, and the great difficulty was to get information from the masters. It seems to show that their regulations are based on some reason of their own interests; that if all the facts were known they would lose some control and domination which they now exercise. The men were not demanding any increase of wages; but the masters locked their shops rather than permit the men to work nine hours a day for nine hours' pay.

Mr. Macarthy.—The impression prevails that though the men may combine to recommend or to discuss, yet the moment they pass a binding resolution compelling them to act on one course, they are doing wrong and abusing the right of combination. I cannot understand why they should not pass resolutions, any more than the employers. They can call meetings and pass binding resolutions, though they have no power to enforce those resolutions, yet it is so perfectly understood, and so known to affect the interests of the whole body, that nobody does dispute it. I don't know that any body of workmen has passed rules more stringent or effective than the members of the Bar, who lay down that you sha'n't work below a certain sum of money or under certain circumstances; and there is no more individual power of resistance to those rules than if they were made under an Act of Parliament. It is true that the Trades' Unions have sometimes gone wrong; but I think their position is better than it would be if they had taken the advice which has been given them, and consented to abandon the power of the majority to control the minority.

Mr. Newton.—As one who is connected with a very large society, The Amalgamated Engineers, I congratulate Trades' Unions upon the tone of this debate. A complete change is taking place in the public mind with regard to trade societies, and the right of combination is now not at all questioned. The absence of the masters from this discussion only shows that the masters are determined to adhere to that principle which leads to strikes; the determination to have no interference; the refusal to submit their actions to inquiry. If they would only enter into questions with the same fairness as has prevailed in the present discussion, we should have no strikes. Under the system of weekly employment the workman's position is sufficiently precarious; the hour system would make him still more dependent on all the slightest variations of trade, and would be productive of many evils from which the employers would suffer in the end. It is a mistake to suppose that the man can exercise his choice as to the number of hours he will work. With operatives it is impossible, especially in the manufacturing districts, where a very large plant must be employed for a certain number of hours, and must be worked by the operatives. It is impossible that one set of men should go to work at one hour and another set at another hour. They are not made parties to the contract; all the conditions are forced on them absolutely and without any choice. There is sufficient intelligence and education amongst the working men to know that they lose something by every strike, and they would not indulge in them if they did not hope for a future benefit.

The Rev. Henry Solly.—In all our efforts to promote Working Men's Institutes and Clubs we are met by the enormous difficulty of the long hours of labour. The men's hearts are in the work, but the best plans are overthrown

by this enormous obstacle—that they have not the time. There is the deadening and stupefying influence on the nervous system, produced by the long hours. A man has very little appetite for intellectual exercise or exertion after eight or ten hours of hard work. It would be the greatest tyranny in the world to say that the men should be paid by the hour system, and yet if they wanted to work nine hours they should not be permitted. The increased pay for extra hours is the only thing that protects the workman; and the masters will never get the work so well done if they attempt to introduce equal payment for all hours. It would be equally injurious to the men and to them.

Mr. Clay.—The difficulty is to make the masters submit to the men, and the men to the masters, when their demands are just. Now they have neither of them got any weapon which is not objectionable. Can we suggest some weapon that is not objectionable? I have for some years been anxious to induce them to establish an emigration department in every society. If they had a large emigration fund, that would be a weapon of which the masters, if in the wrong, would be terribly afraid. Let them fix a certain rate of wages which a man may accept or not as he likes. But if a man is offered less, let him say—"No, rather than take that, I would accept the offer which my society makes me of emigrating to Australia or Canada." It would at once be tested whether the master could give the wages or not. The arrangement of disputes would be greatly facilitated.

Mr. Cockerell.—I am not a master nor connected with the masters, but I represent a third and very important interest—the poor of London and other large towns. Many of the evils which the London poor suffer from, are aggravated by the inferior class of houses they are obliged to dwell in; if you increase the wages of workmen employed in building, you will increase the difficulty of securing better house accommodation for the labouring classes in London. The builders' strike occurred just at the period when the employers had completed their contracts, and contracts must be calculated on the established rate of wages. If thousands of men come and demand more wages, the employer must alter the terms of his contract, and this will naturally help very much to irritate his feelings. I think again that it is greatly to be lamented that the men were induced to put forward their claim on a pretence which was not the true one—that they wanted more time for the improvement of their minds. I believe the better class wanted it for that, but the more general reason was to get an increase of wages. I state that, because it is a part of the masters' defence, and if they had been represented here they would have given expression to such views. If, instead of spending the money on strikes, they would get up a fund to enable those who were disposed to emigrate, it would lessen the supply of labour and increase the demand and so raise the wages, and that I believe is the true remedy. My sympathies are with the working man, and I grieve over his want of time, but to talk of making him a present of an hour or two is out of the question. If we could get the same work, that would be another question, but it would be necessary to make another class of contracts. In one case I remember a builder was unable to complete his contract, and he failed in consequence of the strikes.

Mr. Dunning.—The profits on buildings for the working classes vary from 7½ to 12½ per cent., and therefore it is not at all likely that an increase of 10 per cent. on the one article of labour alone could interfere much with the improvement of buildings for the poor. I should be very sorry to interfere with the improvement of dwellings.

Mr. Cockerell.—As a matter of fact I know that at one time we were deterred from proceeding with some buildings of that kind owing to the very great cost of labour and materials.

Mr. Harmer.—With respect to the strikes in the building trades, I should wish it to be known that the masters were not taken by surprise. The men had given notice for some twenty months before, and the masters, in making their contracts, had put in the increased price. Yet, in the face of having put the increased price in their contracts, they refused to fulfil the condition. It has been suggested that if the men would establish an emigration fund, and remove the surplus labour, they would succeed. Permit me to say, as

taking some considerable part in these matters, and representing a society of 24,000 members, which has expended £43,000 this year, that we have a rule for emigration, and, like many others who have the same rule, we have found that it is not practicable to carry it out. To attempt to thin the market by a little emigration fund would be quite futile. I know of no society that has been able to carry it out but the compositors; they have not sent out more than fifty or sixty persons, and they do not feel any result. The effect is, that you send away a number of skilled and experienced men, who cease to be members, and you do no sort of service to those who remain in the country.

Mr. SHIELDS.—Let us not be mystified into believing that the reduction of the hours of labour is not a question of wages. As a man who has lived by wages all my life, I say it is a question of bread to eat, clothes to wear, and house to live in. If you set all who work for wages to consume ten-tenths, and to produce first of all nine-tenths, and then eight-tenths, where is the difference to come from? You say they will do the work. The policeman cannot, the omnibus driver and conductor cannot, the railway guard and engine driver cannot, the postman cannot. I don't know who could. As a rule, it cannot be done. Then you diminish the fund out of which wages are paid, and you expect to increase the wages to be paid out of that fund. This is the result of an egregious political economical error. Gentlemen like Mr. Bray and Mr. Solly, who have the leisure and have the sense to be able to study these questions, which are amenable to laws as clearly demonstrable as those of mathematics, ought not to come here with what I conceive to be a fictitious philanthropy, and argue in defiance of those laws. If the wages fund is to be reduced, it is clear that the wages must be smaller in proportion, and that is what these gentlemen entirely overlook.

The CHAIRMAN.—We have only heard one side of the question fully, and the other side in a very imperfect manner. Now this question is not to be decided on grounds of benevolence only. It has been said that this is not a question of wages, but of the general condition of the people. We have heard the most benevolent sentiments, in which we all concur, for the rapid improvement of the working classes. But, on grounds of strict economical science, anxious as we may be to consider these sentiments, the facts are brought down to a much narrower compass. Mr. Shield put his finger on the real difficulty. It is not in the power of the men alone, or of the masters alone, or of both combined, to say what shall be the amount of wages, at any particular time, in any trade or country. The men and masters are at the most competitors for the division, at a certain rate, of a certain fund provided by others; that is, by the consumers. If that fund is small no device can make the rate or profit on the rate of wages higher. That is a fundamental axiom of the whole case. They are competitors for the division, in a certain ratio, of a fund provided by others and over which they have but a very limited power. They compete in a fair and open field. The man on the one side has his labour to sell, and the capitalist his money to employ. The rate of profit on the one hand or wages on the other must be determined by the competition. If workmen are in excess, wages will not rise, and may fall. If capital is going in pursuit of labour, wages will rise. Down to 1825, the law did its best to prevent combinations at all on the part of the workmen and, to some extent, on the part of the masters; but for the last thirty-five years it has been perfectly free. I don't think that for some time past anybody has questioned the freedom of both parties to combine. What then is the form the argument has now assumed? Two things are said by the masters:—One, that the men combine in violent forms for violent purposes; and the other, that they make demands which it is not possible to grant. On the other hand, it is said by the workmen, that combination is the only real defence the men have in their contests with the masters; and secondly, that a minimum rate of wages and a maximum number of hours' labour per day is necessary for the protection of the workman. Therefore, at the bottom of this question, putting aside all the questions of temper and of management, there is a contention for protection, which is entirely opposed to all the accepted views of economical science. Another error is, that they demand that the same wages should be paid to men of very different skill, those of ordinary skill at the same rate as those of greater

talent: Then a man who is disposed to take work by the piece, and thereby earn larger wages, is not allowed to do so, or one who is disposed to work a greater number of hours must not do so. There is no disguising that these two requirements are not in accordance with the true teaching of economical science. It is the remains of the old notions of politics, which seem to have provided for the protection of the work of the unskilful or the idle. As long as the old and evil system of guilds was in practice that could be understood. The admission to the exercise of trades was guarded with all sorts of regulations, giving a sort of corporate right to be protected against competition. This, then, is a demand for a continuance on behalf of the workmen of those municipal privileges from which civilization has emancipated the world at large. It is admitted on all hands that the men have a right to combine, and for the last twenty-five or thirty years they have been in the habit of doing so in perfect freedom, and in a great many instances, where disputes have arisen, they have proceeded to the extent of a strike. No doubt they have a right to say they will not work after a certain hour, or under a certain rate of wages. I say that a civil war is a strike on the most extended scale. I believe that a more conciliatory feeling is beginning to be held on both sides. As to any interference, I think that the Legislature can do very little. When we repealed impartially the Combination Laws on both sides, I think we exerted all the useful interference which law could apply to those matters. Attempts have been made to supplement it by devising some means by which disputes could be brought to a close before the tempers of the respective parties become excited, and mutual provocations have been given, before their blood is hot and they are beyond the reach of reason, by the appointment of some impartial body of persons who would act as moderators. A committee was appointed in 1856 and again in 1860. It was very fairly constituted, and took evidence from both sides impartially. The committee recommended that means be taken to introduce some tribunal similar to the Conseil de Prud'hommes in France. Of course they should not have any compulsory power to interfere. The essence of all interference, if any is to be made, must be that it is to be quite voluntary on the part both of master and men to call into operation the interference of this tribunal. Whatever might be the name under which those tribunals might be established, it could not be done in too modest a form. Beyond such a measure as this, we can only look to the progress of education and refinement, and the recognition of individual rights, for the sweeping away of violence and error. That there must be disputes is inevitable, for it is in the nature of the case. Let us, however, impress on our minds the necessity of getting rid of the mischievous philanthropy which has been imported too much into this discussion. Labour is just as much a commodity as any other element of value. I would like to give to the labourer a larger house, better furniture, clothing, and education for his children, but a larger house, better furniture and clothing, education, &c., all these things cost money, which is only to be got out of the surplus labour fund. Labour can only bear in the market the price which the market can pay, and all that the law and society can do is to enable the parties to meet one another with perfect freedom, and in the easiest way to arrive at an arrangement, and give effect to it.

CO-OPERATION.

In addition to the paper of Professor Huber, printed at p. 735, the following contributions on the subject of co-operation were read.

Mr. J. Wilson in continuation of a paper read at Liverpool* detailed the further progress of the Liverpool Co-operative Provident Association. The number of members in 1857, (up to which year the progress of the society, from its commencement in 1851, has

* See *Transactions*, 1858, p. 579.

been recorded) was 475; 1858, 618; 1859, 750; 1860, 1,245; 1861, 2,140. During the first four months of the present year, 600 new members were added to the society. The cash receipts for goods and as deposits for 1857 were £7,000; 1858, £7,457; 1859, £11,454; 1860, £16,316; 1861, £28,136. The amount of capital in 1857 was £1,591; 1858, £1,728; 1859, £1,903; 1860, £2,481; 1861, £4,562. The amount of money distributed as dividend and interest in 1857 was £362; 1858, £491; 1859, £865; 1860, £1,234; 1861, £2,139. The dividends on the amount paid for goods during 1856, 1857, 1858, have averaged 1*s.* 2½*d.* in the pound; and during the last three years 1*s.* 7½*d.* in the pound. The amount of dividend is apparently small and needs to be explained. It is really equal to or larger than that paid by other institutions of the same class. The fact is, that many co-operative societies pay dividends only on the amount received for a portion of the goods sold. Sugar and other articles which are sold at a small, or no profit, are excepted. This society distributes the dividend over the amount received for all goods. Again, nearly the whole of the co-operative societies in this country make a profit out of purchases made by non-members, part of which, at least, is distributed amongst their members. This society sells goods to none but its members, except in extraordinary and special cases. Up to a recent period no pressing appeal for increase of capital had been made. The deposits and accumulated profits were sufficient to carry on the business of the society. At length, however, it was deemed desirable, as the society might be considered as fairly established, that suitable premises should be secured for its operations. Accordingly property to the extent of £2,530 has been purchased, and new premises for the central store are now in course of erection, at a probable cost of £300, on the site of the old store, for which £750 had been paid.

At the date of the former paper the society had only one place of business open daily, now it has five: a central place of business, and branches at the south, north, and east parts of the town, and a branch at Birkenhead, opened on the application of a number of residents on that side of the river. To the business carried on in 1857, there has been added, and with most satisfactory results, the manufacture of boots and shoes.

Mention was made in the former paper on this society of the objectionable payment of a penny per week by each member to a management fund. It was stated to interfere with the use of the society by those who might wish simply to deposit small sums in its funds. This objection has been partially removed by altering the payment to one penny per month. The members have shown their humanity and consideration for those whom they employ, by closing all their places of business at 1 o'clock on Wednesdays, thus affording all a half-day's holiday each week. The hours of closing on other days are earlier than those of the shops at which the members formerly traded. These are commonly open until 12 on Saturday nights, and 9 and 10 o'clock on other nights. The

society closes its places at 10 on Saturday nights, 9 on Fridays, 6 on Thursday and Tuesday, and 8 on Monday.

No more need be added, but that a widening experience more fully demonstrates the value of this movement, in not only ensuring goods of honest quality and weight, but in encouraging prudent and careful habits, and inspiring self-respect as one consequence of freedom from debt. The moral and educational training afforded by the co-operative society is not the least of its many claims to attention and respect.

The Rev. HENRY SOLLY read a paper "On the Relation of Co-operative Societies to the Educational and Moral Improvement of the Working Classes," in which the author enlarged upon the advantage of co-operative societies in Lancashire, in promoting intellectual efforts on the part of those classes, and effecting that educational progress which mechanics' institutes had wholly failed in carrying out. At these societies the men would meet and talk over their affairs, the relations between employers and employed, obtain information on subjects connected with scarcity or surplus of employment, of the effect of panics and other matters bearing upon their interests. At the business meetings of those societies in the North, the same class of men were usually present who would be found in a well-regulated public-house, and thus the prejudicial influence of frequenting public-houses was in a great degree met. In addition to the business of the society, draughts, chess, and other amusements as well as means of instruction were added, and thus those educational efforts which, when attempted through other channels, have so frequently failed, were gradually producing valuable results.

Mr. Solly proceeded to show that co-operation was an important element in the elevation of the working classes; adding, however, that for a time at least the progress of the principle would depend upon the material advantages realized in the shape of profits, and as the work was liable to be impeded by panic and other causes, sympathy, discretion, and the cultivation of man's higher nature were necessary for success. It would be some time before these enterprises would be in a position to spend either much money or much time in educational efforts. All that could be expected of them at the beginning was to furnish a room for educational purposes and supply it with newspapers. In time, however, their meetings, and the discussions which would necessarily arise, would beget a desire for something more, and they would be found disposed to set aside a portion of their profits to educational objects. Generally speaking, the difficulty was at the beginning. The best men had to do all the work: and here it was that the middle and upper classes might render assistance; but it must not be by patronage or giving money or attempting to govern or interfere; for there was nothing which the working people more disliked than patronising interference. They were always desirous that their independence and self-reliance should be respected by others, but they had no objection to receive assistance in the shape of books, implements, works of art, or other

educational means of that character, upon which they never appeared to put a money value.

Mr. HOLYOAKE read a paper "On Certain Moral Errors endangering the Permanence of Co-operative Success." These were partly financial, partly moral—the financial had had full atetntion, but the moral had been comparatively disregarded. These he enumerated, the principal of them being ignorance of the principles of association, want of mutual confidence, the habit of casting unfounded imputations, and the introduction of unworthy members.

DISCUSSION.

Mr. M. D. HILL adduced reasons against a clause in Mr. Sotheron Estcourt's Bill* enabling co-operative societies to become to all intents and purposes joint-stock companies. The law, as it now stood, enabled working men, just as it enabled any other class of society, to form joint-stock companies. There therefore seemed to be no reason why the present constitution of co-operative societies should be altered. A joint-stock company was an aggregation of capitalists; the individuals were scarcely anything. After electing directors, individual shareholders had neither the power nor the inclination to take much part in the conduct of the company. In co-operative societies it was entirely different. It was true there was an aggregation of small capitals; but the great use of co-operative societies was to enable men to act together in harmony for one object. Those at all conversant with the history of any of these societies knew how beneficially they had acted in the education of their members. They held meetings frequently, once a month generally, always once a quarter, and discussed the most interesting topic, the working of their association. The committee met every week, when, if any member had any complaint to make, he was patiently and candidly heard. In general he was convinced that he himself was in error; sometimes he succeeded in convincing the committee that an error had been committed towards himself. In either case harmony was restored; and so admirably perfect had been the system, as established at Rochdale by the Rochdale Pioneers, that although by the Acts of Parliament under which they were registered, and they had now been registered eighteen years, it became imperative upon them to appoint arbitrators to adjust disputes which might arise between the committee and members, yet during the whole of that eighteen years there had been no single instance of the arbitrator being called on to exercise his functions. There, then, was eighteen years of most valuable education. But now suppose that any one member, without asking permission of his fellows, might transfer his shares to a stranger who had not had this training; who might come, full of his own views, full of his own presumption and his own ignorance, it might be, into the society; it was very clear that even one such—much more many such—might throw the whole society into confusion. He was, then, strongly of opinion that as there was not a law to prevent this happening, the societies might prevent it by rules of their own. There was another clause to enable societies which had accumulated greater capital than they required in their trade, a circumstance which he was glad to say very frequently arose, to lend to persons engaged in trade, so that they would become embarked in all the risks and liabilities of another concern. Gentlemen connected with the law knew the distress and ruin connected with transactions of this kind, and he strongly objected to them. He thought it absolutely impossible to over-rate the benefits which might be expected from the institution of co-operative societies; and so long as they remained true to what he

* This Bill was passed into law on the 7th of August last, under the title of An Act to Consolidate and Amend the Law relating to Industrial and Provident Societies, (25 & 26 Vic. cap. 87). Under its provisions the liability of the shareholders is limited, and members of a registered society may transfer their shares if it be so determined in the rules. The period of liability for outgoing members is limited to one year.—ED.

considered the just principles upon which they were founded, every new co-operative society would be a new benefit to the community.

The Rev. Mr. MOLESWORTH, of Rochdale, believed the first suggestion of the Bill alluded to by Mr. Recorder Hill came from himself. Suppose a society consisted of 1000 members subscribing £1 each, that the property became depreciated as such property now was in the manufacturing districts, and that the depreciation amounted to one-half, if the transfer of shares were forbidden the society must of course pay out those who required their money, and if half the members were so paid out the capital would be all gone. He would therefore allow shares to be transferred. Limited liability had been objected to; but it seemed a frightful thing that every member of a society should, under the old principle, be liable to absolute ruin at any moment, owing to the act of some one whom he could in no way control, and should not be able to free himself from liability till two years after he had withdrawn from the society.

Mr. NEWMARCH thought it reasonable that the principles of limited liability should be extended to co-operative societies, and that the shares should be transferable. The true policy of the Legislature was to leave these matters to the choice and discretion of the societies themselves. The worst thing that could happen to the working men was that the House of Commons should find them common sense. Let the working men thoroughly understand the nature of the undertaking into which they entered. If they chose directors, let them understand that they were bound by the acts of those directors. If they chose to become manufacturers, let them understand that they had as fair a chance of being ruined as of making their fortunes. With regard to limited liability, it used to be urged as an objection to the system, that people would not give credit under it. Well, so much the better. At all events let the public understand under what circumstances the credit was given. As he had said, he would leave the questions of limited or unlimited liability, and of transfer or non-transfer of shares to the society so long as the law provided that if they cheated they were punishable.

DWELLINGS OF THE WORKING CLASSES.*

Mr. EDWARD AKROYD read a paper "On Improved Dwellings for Workpeople, with a plan for building them in connexion with Benefit Building Societies." It described the efforts made by the writer in providing superior cottage residences for his workpeople, and the result of his experience that, as an investment, such property would not yield more than 4½ per cent. upon the outlay, which, taking casualties into account, was not sufficient to induce private parties to embark their capital in speculations of this character. The existence of a Benefit Building Society in Halifax induced Mr. Akroyd to avail himself of the machinery of that class of institution, combined with special advantages which he was enabled to confer, in the shape of guarantee of title, uniformity of style, and superintendence of an efficient architect. This experiment is being carried out with complete success. Mr. Akroyd explained as follows the mode in which it works. Suppose the member elect to be living in a house, for which he pays £10 per annum rental, or 4*s.* per week. By joining the association and paying 5*s.* per week, besides his deposit—that is, 1*s.* per week more than what he actually pays for rental—in twelve years and one month he will become the owner of the dwelling house and constitute himself his own landlord; and in the event of being obliged to discontinue his subscriptions from lack of work or other

* See *Transactions*, vol. 1857, pp. 437, 600; 1858, pp. 583—624; 1859, 596, 690, 724; 1860, 624, 766, 879—882; 1861, 517, 594.

cause, he may transfer or sell his share; or in the event of the death of a subscribing member, his widow or family will have the same facility for disposing of the share. Assistance in raising the deposit of £40, or one-fourth of the purchase money may be required. This sum may be as far out of the reach of the member as the whole amount for which he subscribes. To eligible members, unable to pay down the required one-fourth, he guarantees the deposit of £40 to the Benefit Building Society, who, with such security, are willing to forego the prepayment of the deposit, and instead thereof to increase the scale of weekly payments to 6*s.* 9*d.* Of course, the guarantee will cease when the one-fourth deposit money has been paid in by these instalments—say in three years. The deposit might be met in another manner: by each non-deposit member entering himself as a subscriber at the usual weekly rate of 2*s.* 6*d.* per share per week for three years before the money is borrowed from the Benefit Building Society, and by that time he will have accumulated the requisite deposit. The paper further suggested that in every large town committees of gentlemen should be formed to aid the working classes to help themselves in this way, in providing the funds for purchasing the land and defraying the starting expenses, to be repaid subsequently by the weekly payments, and recommended the project in especial to the trustees of the Peabody gift. It has been published in a separate form with plans of the buildings already erected, or in course of erection.*

The Rev. J. B. Robinson's paper recommended the "Application of the Principles of Co-operation to the Improvement of the Dwellings of the Labouring Classes—especially in Agricultural Districts." The paper suggested that rules in accordance with the Building Societies' Acts might be appended to the rules of co-operative societies, by which any member might be allowed an advance —say, when he has £25 in the society—of £70 or £80 with which to purchase or build, the deeds being deposited with the society. He would then pay his weekly rent, say 4*s.*, which he now pays to the landlord, to the society, and thus pay every year £6 of the principal and £4 for interest; and by his quarterly dividends and repayments on his purchases at the store, he would probably in about eight years be master of his own house. He gave an instance of co-operative success to show that the plan was one which might be carried out in the poorest district. In Norwich, four poor men began with four shillings, in the year ending 1858. In the half-year ending December, 1861, the income of the society was £1,441 19*s.* 1½*d.*, and after paying 5 per cent. on members' shares, left a dividend of 1*s.* 2*d.* in the pound on members' purchases. They had built a substantial store and bakehouse, costing over £200, and a comfortable committee-room, used for the purposes of mutual improvement and social enjoyment. He thought any country parish might go and do likewise.

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* London: Shaw & Sons, Fetter Lane.

M. PAGLIARDINI contributed a paper, giving the details of a scheme for providing dwellings for the working classes on a very extensive scale. The building to be called the "people's mansion," and to consist of a centre and two wings, the centre, as large as a London square, to be occupied by families, the wings by unmarried men and women separately. The block to be five stories high, with workshops on the ground floors. The building to include common kitchens, nurseries, and schoolroom. The plan to be carried out by a joint-stock company.

Dr. W. A. GREENHILL read a paper in reference to the progress of a certain Society for improving cottage property in Hastings; the general result derived from the experience of such societies being that by a proper system of combination, with sufficient capital promised or paid up, and under good management, they might be made to pay as an investment. The purchase and adaptation of old houses was recommended in the first instance, as requiring a smaller outlay and paying a larger interest than the erection of new houses.

Mr. N. ROBINSON contributed a paper, again urging the necessity that exists in Dublin for the adoption of the model lodging-house system. Some progress has been made in closing the cellar dwellings of that city, and a movement has been commenced for the formation of a company to establish model lodging-houses, under the auspices of the Earl of Carlisle as Lord Lieutenant of Ireland.*

Most of these papers were illustrated by plans and elevations of the improved dwellings suggested or in course of construction, those illustrative of Mr. Akroyd's scheme being remarkable, both for the convenience of the houses and their picturesque appearance.

DISCUSSION.

The Department met at Burlington House on the evening of Monday, June 9th, to discuss the subject of dwellings for the working classes, Mr. Godwin, F.R.S., in the chair.

Mr. H. ROBERTS expressed his opinion that the Lodging Houses Act had greatly benefited the labouring classes by leading to increased dwelling accommodation for them. Still, much remained to be done. He had visited many of the dwellings of the poor, and found them to be in a frightful condition, being both dirty and ill-ventilated. He should be glad to see a greater amount of responsibility on the part of the owners of the property and also on the part of the employers in the treatment of the working men.

Mr. HARE observed that, as the wealth of a country increased, the pressure on the poorer classes as regarded dwellings became greater. He alluded to the scheme which had been proposed of placing colonies of workmen outside of great towns. What was required was large blocks of buildings which could be raised very high. The lower portion might be occupied as shops, the first floor by the educated though not wealthy classes, and the upper stages by persons in a more humble walk of life; and it would be a great advantage if any portion of such buildings could be easily transferred, inasmuch as the lower classes evinced a great desire to become the owners of the houses they occupied.

Mr. MOSSMAN of Edinburgh said, the greatest interest was felt in Edinburgh as

* See *Transactions*, 1861, p. 517.

to what class of buildings should be raised for the working classes. They had investment companies, which were on the same principle as the co-operative societies. There were shares of £25 each, and every holder had to pay 1s. per share every two weeks, and the arrangement is such, that in the course of twelve or thirteen years, if the workmen who are holders of the shares had paid their contributions, the houses were their own. He was a president of one of those societies, and treasurer of another, and he had had sufficient experience to show to him that they were of the greatest value. Some papers had been read on the question of strikes, and the system of overtime had been condemned; but his opinion was that working men should be free agents in the matter, for with the money earned in overwork alone, many a man had been able to purchase his house.

Mr. Freeland, M.P., briefly referred to the model cottages designed by the late Prince Consort, and said he believed it would be impossible to build cottages and make them a profitable speculation; but he thought that if the question were discussed, the proprietors would find that to give improved dwellings to the poor would be a pecuniary advantage.

The Rev. Mr. Molesworth thought that this was a question which should be settled by the working classes themselves; to his mind, Parliament had already done too much.

Mr. Lynch expressed his regret that property was allowed to be tenanted when in a bad state of repair, and said the matter was one in which a strict inspection should be made, and a supervision held over the owners of property.

Mr. Carden concurred with the Rev. Mr. Molesworth, that there had been too much legislation on this subject, as he had found in improvements which he wished to make himself.

Dr. Strachan thought that the best thing they could do would be to raise the desire of the working classes themselves for improved dwellings. It appeared to him that they might build as many houses as they liked.

The Chairman said that there were large districts in London where forty or fifty people lived in a small house, with eight or ten people sleeping in each room; there were thousands of such houses, where health and cleanliness were impossible, and consequently death in many cases resulted before its time. He must say that some of the clauses of the Lodging House Act had done much good in remedying the unhealthy state of the dwellings of the poor. There was, however, no getting out of the true state of the case. Much remained to be done; a man was not allowed to poison, but still there was nothing to prevent any man from poisoning whole families by filthy habitations and want of ventilation. The subject appeared to him to be of the greatest importance at this moment on account of the munificent bequest of Mr. George Peabody. It would need the greatest amount of care on the part of those gentlemen who were named as the trustees, to see that the provisions of the bequest were carefully and properly carried out. The greatest evil which they had to contend with and remove was, the unhealthy and dangerous evil of overcrowding in ill-ventilated dwellings.

EMPLOYMENT OF WOMEN.

Miss Bessie R. Parkes read a paper entitled "The Balance of Public Opinion in Regard to Woman's Work," in which she observed that the meetings of the Association had been so managed, as to enable women to take part in them with perfect ease and propriety; and their doing so for the last five years, without restraint and without repression, had shown that they could discuss at least one great question of social welfare, on which the ultimate fate of the nation, in its corporate and domestic life, chiefly depended, with moderation and honest impartiality. During that period immense progress had been made in public opinion, with regard to the importance of all questions relating to women. Since there was no longer

any difficulty in obtaining a hearing, she considered it doubly necessary that the discussion should be marked by a desire to see and admit all sides of the subject. There were two distinct theories at the root of the question of Woman's Work—Do we wish to see the majority of women getting their own livelihood, or do we wish to see it provided by men? Are we trying to tide the female population of this country over a time of difficulty, or are we seeking to develope a new state of social life? Miss Parkes said she had never advocated the withdrawal of women from home; she had only tried to meet the social necessity which a great number of women were forced into, non-domestic industry. She especially deprecated the necessity for the withdrawal of married women from their families, as in the factories; though she thought any preventive legislation on the subject would be productive of cruelty. Since non-domestic industry was the rule for our present state of civilization, and it was exceedingly difficult to earn an honest livelihood in any other way, she thought that efficient female supervision was the one thing to be desired; but she considered the household life of the country was the real centre of its civilization, and that the immense majority of women are, and ought to be, employed in the noble duties which go to make up the Christian household, while she fully admitted the principle of vocations to intellectual and practical life apart from marriage.

Miss Emily Faithfull contributed a paper "On some of the Drawbacks connected with the present Employment of Women." She contended against the prejudice, that women were unfit for industrial employment, owing to their inaccuracy, and the intermittent nature of their exertions, on the ground that these faults were not inherent in women, and that if they passed through the same training as men, they would show the same capacity for business. Their education was singularly defective in thoroughness, and habits of accuracy were seldom acquired. In the middle class this was especially the case. The daughters of the aristocracy had the means of exercising their intellects, by a more or less liberal education; the daughters of artisans and labourers had to earn their bread; but the middle-class girl had no aim set before her whatever, and learned various desultory things at school, only to forget them. Her education no more fitted her for domestic life than for business, and if she proved a good wife and mother, it was in spite of her training rather than in consequence of it. She said, a fear has been expressed that if women had anything else to do, they would be unwilling to marry, and a decrease in the number of marriages would ensue; but those who entertain such an apprehension must surely look upon matrimony as a most unhappy state—a refuge for the destitute! If women can only be forced into matrimony as a means of livelihood, how is it that men are willing to marry—are the advantages all on their side? The experience of happy wives and mothers forbids such a supposition. It is likely, on the contrary, that by making women more capable, the number of

marriages will be increased, for there are many men who would be glad to marry, but who now are deterred from doing so by prudential considerations. A woman, instead of being less likely to adorn the married state, would be found more truly a helpmate to her husband. She who can aid her husband in his business by looking well to the ways of her household, is an element of wealth as well as of happiness; and the better trained a woman is, the more distinctly will she see her duties, and the better will she perform them; and she will be none the less tender and loving because she has learned to reflect and judge; and by improving her powers, and giving a practical turn to her natural capabilities, you would render her far less dependent upon contingencies, and better able in the hour of need to brave the battle of life alone.

In conclusion, Miss Faithfull, while urging upon parents the necessity of doing as much for their girls as for their boys, asked all who were favourable to this movement to do their utmost to assist in breaking down the false notions by which a woman is hampered, and to testify against the principle that indolence is a permissible foible in women, or that it is feminine and refined; and by so doing to help them to exchange a condition of labour without profit, and leisure without ease, for a life of wholesome activity, and the repose which comes with fruitful toil.

Mrs. Mary C. Tabor contributed a paper "On the Condition of Women as Affected by the Law," in which, after stating the position of independence occupied by unmarried women, she turned to the consideration of the restrictions and disabilities imposed upon married women. Those disabilities were threefold—relating to their persons, their property, and their children. She enumerated the present laws relating to these points, giving to the husband entire control over the person and property of the wife, and depriving her of any legal right over her children, except the limited power over infants under seven years old, and quoted the heads of the report of the Law Amendment Society, "On the Property of Married Women,"* as a basis for amendments, founded on equal justice to either party.

Miss Emily Davies contributed a paper "On Medicine as a Profession for Women," in which she stated that women of all ranks earnestly desired the attendance of their own sex; and that, on the other hand, women were desirous to enter the profession. She considered these two corresponding facts a sufficient reason for trying the experiment. After answering several objections of little weight, she proceeded to point out the great difficulty—the grave objection to the study of medicine by male and female students in mixed schools—she observed that, although a few unexceptional women might be willing, for the sake of others, to go through the medical course, even under existing arrangements, for female students generally some modification of these arrangements would be necessary. Such a modification might easily be effected, if the demand for it were

* See *Law Magazine and Law Review*, Vol. I., (N.S.) p. 391.

clearly made out. Separate classes might be formed for lady students, in connexion with the existing schools. There would be no difficulty in obtaining the services of eminent medical men as teachers. Some of those who most strongly object to the admission of ladies into the schools for men, have expressed their willingness to give separate instruction. The examinations must, of course, be the same for both sexes, as a security that the standard of proficiency should not be lowered for women, but to that there can be no objection. The difficulties of the case arose neither from a want of aptitude on the part of the women, nor from the opposition of the medical authorities, many of whom had shown marked liberality and freedom from prejudice. The real obstacles were the unwillingness of young women to incur the reproach of singularity and self-sufficiency, and the less excusable unwillingness of their parents and friends to aid them in overcoming difficulties which they could not conquer alone. This could only be remedied by an enlightened public opinion on the question. The paper has been published separately.*

Miss Rye contributed a paper "On Female Emigration," in which, after speaking of the sufferings of women in this country, under the necessity of supporting themselves by independent industry, she pointed to the colonies as affording to such a new sphere of employment. There were two classes especially, who might safely be sent out. 1st. A few really accomplished governesses, who command from £40 to £100 in England, and who could obtain situations in the colonies, equal in money value, and superior in social position and comfort. 2ndly. A class beginning with the half-educated daughters of poor professional men, and including the children of subordinate government officers, petty shopkeepers, and artisans generally, who have been accustomed to domestic economy at home, and on whom the want of employment often pressed heavily. She concluded with the following statement: "In conjunction with my most valued and clear-headed fellow-worker, Miss Jane Lewin, of Bayswater, to whom the success of this movement is in a large measure due, I have, during the last fourteen months, sent out or induced 80 persons to colonize. They have gone to the following countries:—24 to British Columbia; 7 to Sydney; 15 to Melbourne; 1 to Canada; 1 to Otago; 19 to Queensland; 2 to the Cape of Good Hope; 1 to Sweden; 1 to Damascus; 6 to Natal; 1 to Calcutta; and 2 to Canterbury. As far as we have had time to hear, they have all done remarkably well. There is one very important point still to be noticed. I allude to the reception committees on the other side of the water, who are to take our girls by the hand on their arrival. I wish it to be distinctly understood, that without having committees at the different ports, we have had, from the commencement of our work, ladies of position and intelligence in every town to which we send. These ladies are still working with us, and our young people are consigned to their immediate care. In every case, not

* Emily Faithfull, Victoria Press, Great Coram Street, W.C.

only are letters sent to our correspondents by the overland mail, apprising them of the departure of the girls, but we give introductions to every emigrant, together with the name and address of the Governesses' Home, the Government depôt, or some respectable lodging, to which, with her companion, she may go immediately after landing. Some mistakes, and some disappointments must necessarily arise in carrying out this scheme; but with a right selection of candidates, and a fair start, I am as certain of success as if the finger of prophecy pictured the result."

Miss FLORENCE HILL communicated a paper from a lady who had lived several years in Australia, which argued that the hardships of a colonial life were much exaggerated. She recommended intending emigrants to undergo a short training in the theory, at all events, of all household work and duties, and needlework of the more useful kinds, and in medicine, so far as to qualify them to treat ordinary diseases. She further suggested that the movement should be left to the initiation of the colonists themselves, and that their efforts should be aided by emigration associations, or otherwise, in this country.

Mrs. JELLICOE's paper went to prove the necessity for woman's supervision of women's industry. She observed that a new kind of factory was now springing up, where all sorts of garments were manufactured by the sewing machine. In these factories, as well as in those for textile fabrics, men superintended and controlled the workers, not from reluctance on the part of manufacturers to employ women as overseers, but from the difficulty of finding qualified persons to undertake the duty. Many of the evils incident to factory life might be obviated by the intelligent and thoughtful supervision by their own sex of all women congregated as workers; and as public opinion became better advised of the dignity of useful employment, and opportunities of education were more freely afforded to women, many would be found who, though unable from circumstances to undertake such work unremunerated, would yet thankfully accept the position of paid superintendents. She stated that the attention of the Irish Society for the Employment of Women has been directed to the training of persons to fill these important situations, and facilities are afforded for training them to their task.

Miss A. B. CORLETT gave "Some Account of the Society for Promoting the Employment of Educated Women in Dublin." The Society was formed as a branch of the London society, on the 19th of August, 1861. The society commenced by opening a registry, and numbers at once presented themselves seeking employment, all without previous knowledge of or aptitude for any special branch of industry. Under these circumstances the committee resolved to turn its attention to the formation of training classes. Every person entered on the registry was requested to select an occupation to be taught in the society. Classes were opened for teaching the use of the sewing machine, for instruction in arithmetic, writing, and book-keeping, and for law-copying, engraving on silver and wood,

&c. Two hundred pupils have been under instruction in these classes, and thirty-nine have obtained respectable and remunerative employment in consequence of the training received in the society.

Miss Corlett mentioned, as a gratifying instance of public confidence, that the British and Irish Magnetic Telegraph Company came forward unsolicited, and placed instruments for the purpose of training a class at the disposal of the committee, provided the lady pupils with an instructor, and authorized their manager to open the most convenient station to them as telegraph clerks. The company also awarded a sum of £40 a year to be distributed in weekly stipends to probationers nominated to clerkships. Six ladies from the telegraph class have now received appointments under the company. The sewing class is the largest, having nearly 100 pupils. They learn not only the use of the machine, but the neglected household art of cutting out clothing. They are also regularly instructed in keeping workroom accounts, making out shop bills, and keeping stock, so that in time a class of women may be provided competent to fill the position of overseers in workrooms and in factories where women are employed as operatives. The Royal Dublin Society has opened its library to the lady members of the society, and its examinations for commercial certificates to the pupils, or such other women as may desire to compete for them. All the classes are under the superintendence of one or more ladies, who devote their time regularly to the task.

THE OPERATION OF THE POOR LAW.

DISCUSSION.

On the reading of Mr. Warwick's paper, printed at page 757,

Sir Baldwin Leighton, Bart., M.P., said, it was a very favourite doctrine in England that the rich parishes should be called upon to pay for the poor; but take an acre of land in the City, and take Grosvenor Square—which is rather more than an acre—which will give the highest rental? The rate fell upon the landlord. A person who took a house looked at the amount of the rates, and did not pay so much rent as if he had not that to pay. He therefore thought we ought not to have a much larger area, or we should not have that economy in the expenditure which was necessary for the sake of the poor themselves. Many applications for assistance are made in the first instance to the guardians, and when they have—not suspecting fraud, but from some circumstances in the case—refused to give relief, the applicants, being left to their own resources, have been able to do without the assistance they sought, and to find other means of supplying their necessities. Take a large district—say a county, or this metropolis—was it likely that the officers would take the trouble to make the necessary inquiries? It was said that it was very hard that the parish where a labourer works should throw off the burden, and that another parish should have to support him. At St. Catherine's Docks, for instance, the labourer who works there goes into another parish to sleep. But he thought that parish which received his earnings was perhaps as much bound to support him as that in which he laboured. It was said that landlords would not build cottages because they were unwilling to increase the rates. He quite agreed that the landlords would not build cottages, but they had no idea of poor rates. In one case the proprietor of fifty or sixty cottages spent £3,000 or £4,000 in re-building some and altering others, and the extra rental which he has received is £20 a year. He did not think that any inducement to him to build cottages. On the other hand, however, the saving

of poor rates on that property has been about £400 a year. He did not say entirely in consequence of the re-building, but certainly where the dwellings were improved, the amount of pauperism diminished. The old tenants got the cottages at the same rent they paid before, but new tenants were charged a little more. It would be very hard if, when a gentleman did improve his cottages, partly for the benefit of his men, and was naturally anxious to get money for his property, and to improve the class of men, he should be thrown into a kind of hodge-podge with another parish where these improvements were neglected. He did not believe that gentlemen objected to build cottages on the ground of the poor rates. When he took a tenant he asked where he came from, but did not ask where his settlement was. There might be cases where this was done, but he believed they were very few.

Mr. Elliott said the subject of the increase of area had been exhausted by Sir Baldwin Leighton. The guardians must have a strong motive in keeping the expenditure down; and if the whole expense were thrown on the union instead of on the parishes, it would be a glorious time for giving relief for which the public paid. If the burden of the rate fell upon the poor-rate payer, he was also enormously enriched by the wages which they spent; and he derived advantage from the profits which the bad habits of the enormously paid workmen enabled him to get. The petty tradesmen got enormous—he might say scandalous—profits out of the poor; they obtained a much larger percentage from selling things to him than the employer received from his labour. It was, therefore, not at all unfair that they should pay for that pauperism which was, in a great measure, the result of bad habits, induced or encouraged by the tally-shop and the gin-shop.

Mr. Purdy said the rate-payer only paid the money as an agent. If a house free from rates let at £20 a year, and there was a rate of £2 a year on the next house, it would let for £18. The poor rates on houses of this class in London were generally compounded for by the landlord, and the tenants did not know the name of poor rates. If the area was increased there would be a good deal of rivalry between parishes. Saint George's-in-the-East paid 3*s*. in the pound. If in another parish 2*s*. was found sufficient, they would very soon take care to come up to the level. In all former political struggles we had maintained that taxation should be co-equal with representation—a principle which would be fatal *in limine* to this proposition; unless it was proposed to put the three millions of inhabitants of the metropolis under one board of guardians. In former times three millions of people was a mighty kingdom; and he thought the idea of putting such a population under one board of guardians would be monstrous.

Mr. Lumley said it must be admitted by Mr. Warwick, and every one acquainted with the present working of the poor law system, that the evils complained of had been to a great extent mitigated, and almost entirely removed by recent legislation. No person who had been three years in a parish could now be removed; no child could be separated from its parents; not even the illegitimate child from its putative parent. There was a very great advantage in bringing a person back to the parish where he had a settlement, and where, probably from their liability, some attempt would be made to find labour for the individual. Another advantage was, that it provided some amount of test as to the real truth of the alleged destitution. The next was no doubt the most serious and grievous question. Heretofore, and for a long time, the burden of supporting the poor had pressed heavily on individual parishes. The question as to how the extension of the area would operate, was one on which they could not at present speak with certainty, but no doubt it would be the means of bringing about a more just and equal charge.

Mr. Warwick, in reply to the objection that the larger area would lead to extravagance, said that in his own union, with which he had been connected some years, and of which he was now vice-chairman, the common fund was far more closely watched than the settled poor fund. The accounts were brought before the board once a month, and that was the longest time that the moneys remained in the hands of the relieving officer; whereas, in the case of the settled poor fund, it was six months. The common charges' fund was worked better than the

other. As for the parishes where the poor lived deriving a benefit from their money being spent there, it was often the case that the shops were on one side of the street, and the houses where the people lived on the other side of the street, in a different parish. The market towns did not live upon the people who resided in them, but on those who came from the neighbourhood. Could people be prevented from going to the market towns, and compelled to spend their money where they resided? The idea would not hold water for a moment. Then, again, it was said that the landlord paid the rates. The landlord in most cases paid the rates, but tenants paid the landlord. The great stumbling-block in the way of the improvement of the dwellings of the poor was, that the rates were so heavy that they could not afford to pay them; and they lived in a manner repugnant to the feelings, and were brought up more like beasts than human beings, because they could not supply themselves with proper comforts. The great cause of the inequality was the alteration that was made in 1834, when the settlement by servitude was done away with, which relieved the rich parishes of the poor who had lived in them as servants. In the parish of St. George's, Hanover Square, there was an average of three persons to wait upon two; and in Bethnal Green there was one person to wait upon ten. The parish of St. George's, when its servants were worn out, sent them to Bethnal Green to be supported in their old age. Why should not the rich parishes be made to pay a fair portion as well as the poor parishes, on which the whole burden was thrown in times of distress? The present law was a tax upon poverty, instead of being a tax upon property.

Colonel OLDFIELD asked whether it would not do to have the union for the country, and the borough for the urban districts?

Mr. WARWICK was not wedded to any particular system. He did not think it was of much consequence what the area was. All he asked was that there might be some approach to equality. He did not suppose that absolute equality could be attained unless by a national system; not a national rate, for that would do away with local control, and substitute a system of centralization.

Captain BEAMISH, after some observations on the causes of pauperism, advocated a uniform poor's rate for the United Kingdom, and more remunerative industrial employment for the inmates of workhouses.

Mr. BROMLEY contributed a sketch of the operations of the Society for the Relief of Distress. They commenced on the 1st of January, 1861, a number of gentlemen forming themselves into a Guarantee Committee for the payment of all the expenses connected with the management of the Society. London was divided into districts, following in the first instance the parochial divisions, to each of which was appointed an "Almoner," selected by the Working Committee, from the list of volunteer agents who offered their services. The almoners, numbering in June, 1861, sixty-eight noblemen and gentlemen, including many officers in the Guards, visited the poor in their own homes, ascertained from the clergy of all denominations, the medical and parochial officers and others, the real condition of the poor in their districts, and consulted them on the most judicious mode of applying the grants made by the Society. They also formed district committees, took advantage of local machinery for the relief of distress, or created it where non-existing. The instructions of the Society to its almoners were, that the worst distress should be sought out and relieved, irrespective of class, creed, or denomination. That no almoner or agent of the Society, while acting in that capacity, should ever circulate tracts, preach, or interfere in any way in spiritual matters. That the relief, except in

exceptional cases, should be in kind, that the payment of back rents should be avoided, and that in no cases the poor be permitted to become pensioners on the Society. The results of this experiment, to be yet more fully developed, are of the most satisfactory description. It has relieved distress, detected imposture, set on foot and largely aided local charities, and accomplished one of the principal objects with which it started—that of bringing the rich into immediate contact with the poor.

RECREATION.

Mr. G. Oliphant Ferguson contributed a paper upon the subject of cheap reading for the people. The paper was devoted to an explanation of the principles of the Pure Literature Society for the circulation of selected books amongst the working classes, and to an account of its proceedings. It spoke of the effect of the repeal of the paper duty in the extension of periodical literature, but adverted to the commercial depression in Lancashire and Yorkshire, as having so far restricted the demand as to prevent the increase that might have been expected.

Mr. B. Shaw read a paper upon the present condition and prospects of the Saturday half-holiday question, in which reference was made to the satisfactory progress of the movement, especially as a consequence of the establishment of the volunteer force. He cautioned the friends of the movement against the falling back which would be the result of their present slackness of effort; for, though great things had been accomplished, much yet remained to be done.

Mr. J. Hyde then read a paper upon the subject of the amusements of the working classes. He observed that places of public amusement derived their support from the craving of the people for the excitement of vivid and novel sensations, that animal excitements obtained the largest support, and that of intellectual amusements, the following order was observed:—First, periodical literature, then the drama, then concerts, negro entertainments and burlesque performances, then panoramas and exhibitions, then lectures and libraries, and lastly, discussion and other classes. It was necessary to provide better and higher class amusements to meet the wants of the working classes, or vicious and unscrupulous men would supply the deficiency for them, and it was necessary that those amusements should partake something of the form and character of those at present in vogue. He recommended, therefore, the establishment of small garden allotments in the suburbs of all towns, for the labouring classes, and that flower, fruit, and vegetable shows should be encouraged amongst them. He recommended also the establishment of bowling greens, skittle grounds, quoit grounds, and cricket clubs, detached from public-houses, and where neither beer nor strong liquors should be introduced. With regard to the drama,

that form of amusement was singularly consistent with our nature, and the only objection was to plays which were vicious or stupid, and often both. The great influence of amusements upon the character of the people, and the dearth of proper amusements, claimed for this question most earnest consideration.

The Rev. S. H. PARKES read a paper advocating the provision of flower shows for the poor of London as the means of cheering their lives and inducing habits of care, prudence, and forethought. He suggested that there were many plants which might be successfully cultivated in pots and in city dwellings, and that the gardens in the squares of London should be let for the purpose of such competitive exhibitions as he proposed to establish. The experiments already made had been successful beyond all expectation.*

Mr. M. FEILDE read a paper recommending the adoption of the Public Libraries Act, 18 & 19 Vic., cap. 70, in the City of London, and expressed his regret that that Act was merely permissive.

TAXATION.

The Chairman, Mr. J. G. HUBBARD, M.P., said, If the subject of taxation is not peculiarly attractive it is not because it is wanting in importance. Immediately connected with the material prosperity, the moral integrity, and the political loyalty of the people, the science of taxation deserves an amount of study and observation from the absence of which this country is even now suffering. Taxation has been treated by some few philosophers and political writers, but as a science it has been utterly neglected by statesmen, and the consequence is, that in this country, ruled as it is popularly supposed to be with a degree of sagacity unknown elsewhere, the system, or rather the process of taxation, is conducted with an entire absence of principle. Even by members of the Legislature opinions such as these are held and enunciated: "That a tax, confessedly unequal, unjust, and demoralizing, is to be preserved in its deformity, because its defects are inseparable from the very nature of taxation. That a tax weighing unduly upon a particular class is to be kept unaltered, because another tax (also to be religiously preserved) presses unrighteously upon another and a different class. That a tax upon property, at its transfer after death, can be appropriately balanced against a tax on annual income," and this, while not only the action of the income tax, which seizes property, is defended, but the distinction between property and income is declared to be unreal and impracticable. Again, the special advantages of indirect taxation on the one hand, and of direct taxation on the other, are ignored in the struggle (to make the one or the other the chief purveyor of the public revenue) between the actual possessors of property and those who are industriously acquiring property. Political strife has led to the adoption of false theories by one party, and to the opposition of sound policy by another, until

* Flower Shows and Window Plants for the Working Classes of London; by the Rev. S. Hadden Parkes. Emily Faithfull, Victoria Press.

public men have become so entangled in their past professions as to be deterred, by very shame, from acknowledging and adopting the honest and simple policy which the interests of the country demand. Their sudden conversion also from protectionist principles has impelled eminent politicians into extravagant proceedings which they denominate free trade, but which, wholly unneeded for the freedom of commerce, result in the loss of unobjectionable means of raising the revenue. Free trade means a trade which is not obstructed by prohibitive or varying duties, and is not embarrassed by duties favouring certain local producers to the detriment of other producers, or to the injury of consumers. A free trade must also be one whose many operations are unimpeded by fiscal regulations and charges which are either serious in their pecuniary pressure, create a liability to penalties, or consume the time and labour which might be more beneficially employed.

The confusion of free trade with the abolition of custom duties is a blunder in science, and therefore in practical wisdom. It is a fallacy which, adopted as the watchword of a particular school, is interesting, as exemplifying how the adhesion to an extreme policy in one direction, leads those who are enabled to see its defects in a strong light, themselves to advocate a policy equally extreme and equally injurious, if it be exclusive. So, in the adoption of export or import duties, the abuse, and therefore the failure of export duties in some marked instances, has led to their being altogether proscribed by men who have not patience to investigate the causes of failure, and to seek whether in the national endowments of a country there exist, in virtue of its climate, its soil, and its mineral productions, elements peculiarly fitted for contributing through taxation to the national revenue. When I say that our present practice of taxation exemplifies all the errors and is disfigured by most of the vices I have enumerated, I need hardly dwell on the advantage which must arise from the calm and well-considered discussion of the subject which opportunities like this invite. The want of practic l familiarity with the subject matter of taxation which distinguishes even eminent politicians, is a misfortune hardly to be corrected; but the concurrent evil of an absolute licence in the interpretation of terms essential to the discussion of taxation and other branches of social science, is one which will be amended or possibly removed, if accurate and accepted definitions pervade the writings and conferences of men of practical experience and scientific research. As contributions to the better understanding of the science of taxation, from which I anticipate both pleasure and instruction, I gladly welcome the papers which are about to be read.

Mr. Macqueen (on behalf of the Council of the Liverpool Financial Reform Association) read a paper on the Theory and Practice of Taxation. The question submitted for solution in this paper was—How to raise the necessary revenue for the State with the least possible injury to the country, and the least possible obstruction to the sources of national wealth and general prosperity? In answer to this in-

quiry, the inequalities, expensiveness, and obstructions to trade incident to indirect taxes were urged and illustrated in the paper, for the purpose of showing that the conditions of just and economical taxation are approximately attainable only under a system of direct taxation either on income or on property, or on both.

Mr. JULIUS PARTRIDGE contributed a paper on Direct Taxation, in which he urged that it was a fatal objection to the theory of the Liverpool Financial Reform Association, that direct taxation, however right in the abstract, cannot be applied to the working classes and to minute possessions; while labour and other minute possessions constitute probably the greater part of the national wealth, and that part which even more than territorial property or capital depends for its existence on a stable government and secure laws. Yet, although indirect taxation must subsist, direct taxation must also be a permanent element in our financial system. But the present system of direct taxation was indefensible. The fundamental principle of just taxation is, that all wealth should contribute, in proportion to its value, to the expenses of the State. But the present income-tax is not proportioned to wealth, being assessed at the same rate on precarious and permanent incomes; and moreover exempting reversionary property, household property, and other property of various kinds, as well as property which produces less than £100 a year. The present income tax is also, Mr. Partridge contended, arbitrarily assessed by officers of the Crown upon the taxpayer, who has, practically, neither appeal nor redress. A wealth tax should be substituted for the income tax, as the basis of direct taxation, and its administration should be such as to secure the taxpayer from arbitrary official assessment.

G. R. MARTIN, M.D., contributed a paper "On the Social Results which would be likely to follow the Total Abolition of Indirect Taxation." The writer urged that indirect taxes operate as a salutary moral check upon the consumption of injurious articles, such as spirits and tobacco; and that this moral consideration should be regarded as of paramount importance in a discussion of the principles of taxation.

DISCUSSION.

On the reading of these papers, and that of Mr. Leslie, printed at p. 763, the following discussion took place :—

Mr. JEFFERY said, Mr. Leslie has raised two issues; the first of principle, and the second of the detailed mode of carrying the principle into operation. It would be injudicious to ignore the details altogether, as, if the principles were accepted, the details must necessarily be followed. There was one point which raised the question of principle, even in detail—the question whether precarious incomes should be taxed at the same rate as permanent incomes. Any income which was not derived from any fixed and definite source that could descend to one's children, must necessarily be a terminable and precarious annuity, and should not be taxed in the same manner as a permanent income. Again, Dr. Martin had treated the question from a professional point of view; but they could all speak to the question whether the use of tea was so injurious as he understood Dr. Martin to say. He must confess he was much relieved when that gentleman had to go back to

1732 for a petition against the use of tea. Dr. Martin said, that if the free importation of spirits was permitted the excess of intemperance would become perfectly intolerable. But men would never be made religious or moral by Act of Parliament. If men were to be raised in the social scale, it must be by education. We must raise the level of self-respect before we could inculcate habits of sobriety, and it could never be done by Acts of Parliament. Mr. Partridge could not have read the papers of the Liverpool Financial Reform Association, or he would not have charged them with wishing to exempt property from taxation. Could he point out a passage where anything of the sort was indicated? They had propounded no scheme of taxation, and Mr. Newmarch, very properly, with his view of the question, had censured them for not having proposed some principle, and said that they went about preaching homilies without offering a substitute for that which they condemned. Did any suppose that the first income tax would have been carried if it had been discussed for a month? Yet now it had been discussed over and over again, and was retained because of its advantages over indirect taxation. As it became better known and understood, it would, he hoped, be improved, and be made more just. But they advocated no particular system of direct taxation. What they said was, that all should pay directly in proportion to the benefit they derived from the State by its protection of their persons and property. They contended that if a man received £1,000 a year, he ought to pay ten times as much to the revenue as the man who received £100 a year. The pointthey raise is direct against indirect taxation. Free trade has been defined as trade that was not restricted by heavy duties, or embarrassed by protective duties, advantageous to some classes and prejudicial to others; but we maintain that no trade can be free that is subject to any duty in the way of customs and excise. Since 1841 the imports of this country have largely increased, in consequence of the change in our fiscal laws, which showed that the principles on which that change was effected were correct. When it was urged that corn and other necessaries of life might be imported with safety to the home grower, the idea was scouted. There were no statistics of the home growth, but it was certain that property had increased in value. If there had been perfect freedom of trade in 1841, the improvement would have been still greater, and the present cotton famine might have been averted, for we should have had more trade with the East Indies. Since 1841, the customs had increased from £23,250,000 to £23,500,000, and the excise from £14,750,000 to £18,500,000, and this, notwithstanding the total abolition of the duties on a great number of articles, and the increased income tax. We were spending at that time fifty-six millions a year; in last year we spent seventy millions, and yet the pressure of taxation was not near so great as it was then. By substituting direct for indirect taxation, we let loose the springs of industry, and give scope to talent and exertion which would otherwise remain undeveloped. The release of the trade in glass and bricks from duty was an example that the public got the advantage in a reduction in price; and since it was seen that such advantages accrued, why should we not go on in the same direction, steadily, prudently? not speculatively, because we have the past to guide us, but dealing even-handed justice to all. The agitation for the repeal of the Corn Laws began, like this, in the north and almost without a murmur, and he believed in his conscience that if the point had not been conceded there would have been a rebellion.

Mr. Hemming said the business of the Legislature was to ascertain the amount of available income a man had, and to charge him accordingly. It rested on the same principle as that of assurance against death or fire. The payment of taxes was an assurance against loss of property and position in society. A certain portion should be deducted from the taxation on precarious incomes. The question to what extent that deduction should be made could not be gone into now, it was too complicated, involving not only financial questions of the greatest nicety and delicacy, but also moral questions. He entirely disagreed from the views of Dr. Martin as to the action of tea, which was not borne out by experience. From the researches of physiologists there could be no doubt that the use of tea tended in a high degree to promote a healthy action of the skin, and enabled us to do with a smaller amount of nutriment than we should otherwise require. He concurred in the advisability of imposing a high rate of duty on alcoholic liquors and tobacco. He had not the slightest doubt of the necessity of restraining the working classes

from the excessive use of those liquors by a tax which there was nothing to induce the Chancellor of the Exchequer, or any one else, to lessen, and which it was impossible to reduce with any hope of relief from the income tax. If there was to be expenditure, there must be taxation; and the obstacles were so great to a wholesale system of direct taxation, that he saw no way out of it but an equitable degree of direct and indirect taxation. One great advantage in a system of direct taxation was, that it brought palpably before the public the exigencies of ministers when they keep up a system of menace against foreign peoples. The public feel that their pockets are being touched, and they will take care that their interests do not suffer, and he was one of those who thought that a proper economy on our part would be attended with a similar reduction in other countries.

Mr. ELLIOTT said the question did not admit of strict logical argument. No doubt, theoretically, direct taxation would be best, and it was plain that it would be best to say that a man, out of every £1 a week of his income, should pay 6*d.*, or 1*s.*, or whatever would be the proportion of the entire sum required for national expenditure. But it could not be done. What was the use of the Liverpool philosophers giving us sheets of the most unsatisfactory information only to be thrown into the waste basket, when it was altogether impossible to accomplish what they proposed? The incidence of taxation was about as fair as it could well be. There was a certain amount of taxation raised by direct, and a much larger by indirect taxation, and the latter fell chiefly on articles which a thrifty person scarcely used. If they were as enervating and demoralizing as was represented, he should think it was wise on the part of the State to tax them. A man with an income of £1 a week, who would impose a rational degree of thrift on himself and his wife, would be able to obtain all comforts and requirements for health and information, and yet be able to spare all that he pays to the taxes, and save something for a provision against his old age. All that working men expended in articles of excise and customs was gross and scandalous extravagance to the extent of at least 10 per cent. As to the question of taxing income and property, he would say that, if any difference was to be made, it would be right to tax precarious income more heavily than that which was derived from permanent property. He spoke quite disinterestedly, as he derived his income partly from one source and partly from another, and he said that he held that part of his income which he derived from property on much harder conditions than that which he derived from a precarious source. With respect to trade and commerce, it was stated that a certain bank had lately divided, as the profits of one year, a sum of £40,000. What quantity of labour and hard thought had the banker given to earn that money? A banker's business required a certain amount of prudence, and a conservative principle, which enabled him to say "no" at proper times; but there was a great deal more to be said for wealthy people than was ordinarily urged. A barrister who got his income by the meritorious exertion of his talents, had, physiologically considered, no more merit than one who got his income from land. In the latter case it was said that he got it by the accident of birth. Well, the possession of talents was just as much an accident of birth as the possession of land.

Mr. MORLEY did not think Mr. Elliott's dictum would be absolutely received, that income from landed property should be more lightly taxed than a precarious income of the same amount. What he (Mr. Morley) contended was, that during the process of acquiring property by labour and industry, and at great risk, the income received and accumulated should not be taxed to the same extent as when it was gained. He was anxious to throw in his earnest testimony in favour of direct over indirect taxation. One difficulty which was much felt was the moral difficulty of evasion, which he confessed was so great as almost to meet the whole case. He longed to hear some scheme proposed by which it should not depend on conscience. He believed the amount of evasion was tremendous. He said to their Liverpool friends, to whom he offered his hearty thanks, in opposition to the gentlemen who would throw their tracts into the waste basket, that they were doing great service; but they would do greater if they would point out a way by which people could be made to pay fairly, according to their means—so that the man with £1,000 a year should pay ten times as much as a man with £100 a year. But nobody ought to pay who has not means, and at present there were many paying taxes who had really no income at all. If a man paid the taxes in hard cash

he would be more likely to ask what was done with the money, and would keep an eye on the public expenditure.

Mr. Heyworth said the most important feature of the change which had taken place from the reduction of indirect taxation was, that it had made the country richer to an extent that made even the present rate of taxation easy to be paid. Sir Robert Peel complained, twenty years ago, that when the taxes were increased the revenue from them was not increased, so he tried the experiment of making the taxation less, and by that means succeeded in raising the revenue. He took the course of suppressing customs duties and raising the income tax five or six times, and every time it answered its purpose. The income tax now was such as we would not and could not have paid twenty years ago. What, then, would be the extent to which the nation would be enriched by repealing the whole of the excise and customs, and relying entirely on direct taxation? He should propose, first of all, that they should take the duty off coffee and sugar and reimburse the revenue by an increased income tax. The reaction would perhaps produce twice as much, and the income tax would be freely paid because people would have more money. We had an available machinery in the income tax, even with its many imperfections, which, if possible, should be rectified so as to make it an equitable tax. The idea that persons would escape payment was imaginary. Did a shopkeeper pay the income tax? How did he pay it? Was it not by putting it on to the price of his goods? He must necessarily do so. If the income tax was to be rejected because it was paid by people whose incomes were precarious, the same objection could be urged against indirect taxes, which were the most iniquitous in operation that could be devised. On these grounds the Liverpool party recommended direct taxation. He himself was in favour of the income tax; he thought it would be possible to take it as it is, and in course of time, as we became more accustomed to its working, we should see the way to remedy the evils. Though not perfect, it was a great instrument for raising the country to a degree of wealth and extended commerce that the most extravagant conceptions could scarcely reach.

Dr. Ellis had thought, when he came in that morning, that indirect taxation was so established that everybody was satisfied. He wished to remark, that all the riches and treasure of the country came from the productive classes. When a man had realized a certain sum of money, and a portion of that money was demanded from him, he naturally looked after its appropriation, and asked what was it for? He was told it was for his protection. Well, if you blinded his eyes, and tied his hands, and took a certain sum from him, then he would feel a sort of dissatisfaction But let people feel that the money is taken for their protection, and let them see that it is taken fairly and applied properly, and instead of discontent and evasion, there will be a readiness to pay what is demanded. It appeared to him that this was the one principle on which a satisfactory taxation could be framed. He did not know whether, if the working people were asked, would they prefer to pay a small sum or continue to pay the duties—there would not be a disposition to let it be taken from the provisions; but if it were decided to have a direct tax made on the earnings of all persons, might not the tax be easily collected by the masters? If small stamps were made for sums of 12s., or £1, &c., there would be no temptation on the part of the master to evade the payment, and no possibility on the part of the men to do so.

Mr. Newmarch said, that if one speech that had been made this morning seemed to surround the subject with greater difficulties than another, it was the speech of Mr. Heyworth, who gave a straightforward denunciation of the inequalities of the present income tax, in which he (Mr. Newmarch) concurred, but when he arrived at the conclusion, and said that notwithstanding its manifold inherent and inseparable vices, he would take that instrument of taxation and make it ten times greater than it is, a suggestion was placed before his (Mr. Newmarch's) mind which he was not prepared to receive. If that was the practical form of the new gospel, he hoped some of Mr. Heyworth's colleagues would enlarge on that part of the case. If they were prepared to adopt that tax as it stood, with this fatal difference, that instead of seven or eight millions it should be seventy, or eighty, or ninety millions a year, they had better look where they were before proceeding further. At present the taxation for national expenditure amounted to £70,000,000,

and the taxation for local expenditure to £21,000,000, making in round numbers £90,000,000 a year from 30,000,000 of people. The total revenue of the payers of income tax was about £350,000,000, and it was possible that it would be necessary to add to that another sum, which would raise the total income to £600,000,000, or £700,000,000. If the whole revenue were to be raised by direct taxation, it would amount to about 14 per cent. on that sum, or if it were raised by a poll tax, it would amount to £3 per head on every individual in the country.

Lord BROUGHAM.—At present the income tax is about equal to 6*s.* 8*d.* per head. I do not understand that there is any proposition for a poll tax.

Mr. HEYWORTH and several other gentlemen said there was no such proposition.

Mr. NEWMARCH said he was not surprised that gentlemen were rather appalled when they saw it reduced to figures. The meaning of a scheme of direct taxation, was either a poll tax, or 14 or 15 per cent. on the total property of the country. What was the present state of affairs? Out of the 70 millions, 60 or 70 per cent. was raised by means and in forms which were open to no serious objections. ("We want proof.") He would give it. In 1860, the customs duties on spirits and tobacco, the excise on spirits, and the malt duty, the duty of 1*s.* a quarter on corn, and the stamp duty on deeds and legacies, land tax, and the extensive class of duties on the transfer of property, realized between 40 and 45 millions out of the 70 millions. These taxes could hardly be said to interfere with industry, enterprise, or skill. Mr. Jeffery, with much boldness and straightforwardness, had said that by free trade he understood a state of things in which custom houses should not exist, but exports and imports should be free from taxes of any kind. But he held that Mr. Hubbard's definition was sound and true; that there should be no tax for protective or prohibitive purposes, but that all taxes should be devoted to the mere purpose of raising the revenue by the simplest means. Adopting that definition, there was not one of these taxes which offended against the true view of free trade. With respect to tea, coffee, sugar, and such articles, a great deal turned upon the amount of duty. Many present could remember when there were differential duties, but that state of things no longer existed. The duty on sugar was about 12*s.* 6*d.* a cwt., which was little more than 1*d.* per lb., and the retail price of sugar was from 4*d.* to 6*d.* per lb., instead of 9*d.* or 10*d.* as formerly. He had nothing to say in support of a heavy tax, but when it was so moderate as 1*d.* a lb. he thought it could not be described as unjust, offensive, or pernicious. Now the tax on income in the same year produced about 11 millions. The assessed taxes, licences, and certain excise taxes, including the remaining half of the malt duty, and a few others, made up the revenue of that year. There were three points to be borne in mind in any discussion of this kind. 1st. The amount, large or small, of the yearly revenue. 2nd. The extent of population, large or small, who are to raise it. 3rd. The nature and value of their employments and resources. Under the third head a very broad and careful distinction must be drawn between this country, where so large a portion of the population depend on wages, and France, where they depend chiefly on land. In the latter case, the land was a platform of direct taxation. It was different where the bulk of the people subsisted on wages. It was suggested that the tax on wages might be collected by stamps for wages of £1, and even 12*s.* per week. Gentlemen seemed to forget how large a portion of the people did not earn anything like that sum, but whose wages were so small that the least deduction would be resented as the grossest injustice. When we were invited to abandon the present state of things, we must consider what that came to. Mr. Newmarch concluded by saying that the poll tax fairly represented the necessary result of abandoning indirect taxation.

Mr. MORLEY said the supposition of a poll tax of £3 only represented the average. The £90,000,000 were actually raised now, and the present state of things was just as much represented by a poll tax of £3 per head, as any other proposition to raise the same amount of £90,000,000 from the same 30,000,000 of people, whether by direct or by indirect taxation. What he, and those who thought with him, alleged was, that, in their opinion, a better means might be taken of raising it.

Mr. HASTINGS said he was requested by the body which he represented, the Chamber of Commerce at Worcester, to call the attention of the Congress to an example of the operation of the customs. The town of Worcester, at a cost of a quarter of a million of money, had succeeded in rendering the Severn navigable up

to Worcester Bridge, and for some miles beyond it. They then applied to obtain a privilege of being a port. Worcester sent goods to Bordeaux and the Mediterranean, and the question whether they could trade directly with those parts was not merely a question for the town of Worcester, but for a considerable area of the surrounding country. The great Staffordshire district would have a port thirty miles nearer than they have at present, and a very large iron trade would spring up between Worcester and the French ports. But what answer did we receive from the Treasury? They say that we have completely made out a case, but that to permit vessels to come thirty miles up the river with customable articles on board, would be to run so much risk of smuggling, that they do not feel justified in allowing it. So that because it is necessary to raise customs, a quarter of a million of money is thrown away, and we are not to use the artificial means we have provided of placing our town in the same position as a seaport. He had heard it stated over and over again, that since the wise measures which had been taken for the relief of trade, there was no hardship in the way of restriction on trade, but here was an instance in which an enterprising community were actually debarred from trade. He thought the reply, regarded from a custom-house point of view, was almost unanswerable. He did not think it would be possible to allow the vessels to bring customable articles up; but, looking at it as question of development of commerce, no one could deny that this was a very serious evil. There might not be many such instances, but he believed it was not a solitary case. The Chamber of Commerce were of opinion that this was not free trade.

Mr. Holland said, that in his opinion this question of fiscal and financial reform lay at the bottom of all the questions discussed and examined in this Section. Till you have elevated that section of the population, whose low rate of wages places them hardly above the verge of pauperism, into something like physical comfort, you have done nothing towards social reform and social progress, and it was in vain to think of educational, criminal, and preventive remedies. He had, however, great difficulty in admitting the theories of Liverpool. In the United States of America, the State taxation, which amounted to nine or ten millions annually, was raised entirely by direct taxation. The percentage which they voluntarily paid for State purposes amounted to two-thirds of one per cent. As to Mr. Newmarch's question, how we were to raise ninety millions of money from thirty millions of people, he saw no difficulty. In round numbers, the real and personal property of this country was valued at 6,700 millions. At that rate, if you impose taxation to the extent of one per cent. you will have sixty-seven millions. Let them be true to the principles of political economy. Ninety millions must be taken from the capital stock of the country; and the only question was how to take it with the least injury to the wealth of the nation or how to interfere the least with productive energy and industry. Of all other modes, indirect taxation was the most prejudicial to the country. Imports make the wealth of a country; and when it was suggested that we should have no increase in the imports of tea and coffee, he would ask whether any one would say that we were half provided with tea and coffee or sugar? The abolition of the duties would double the imports, and the consumption would be something like what it is in Australia. He believed he had proved his case. A reduction of £12,000,000 had nearly trebled our imports, and there had been a rise in wages of nearly 25 per cent., though there still remained a mass of unskilled labour to be lifted out of the slough. It was the owners of real property who had most profited by the change, strange as that might seem to Mr. Newmarch. Away with this forty-two millions of indirect taxation, and let it be paid at once in a direct form. Property already paid more than half the taxes. Let it pay the other half, and the wealth of the country would increase probably not only three times, but three times three. If the remission of twelve millions had this effect, would not the remission of forty millions have as much?

Mr. P. A. Taylor, M.P., said we were not to regulate taxation by our opinion of the desirableness of the use of certain articles. Mr. Newmarch said that this forty or fifty millions was raised by means which were unobjectionable, being imposed on articles of luxury. But that argument did not apply to the question of direct or indirect taxation. It was importing into a financial question a moral argument which ought not to be brought in at all. If it was supposed that the duty would

prevent people from getting drink, it was an unsound doctrine; but if the duty were taken off they would get it unadulterated because cheap. When he (Mr. Taylor) heard the paper of Dr. Martin, he felt like Sancho Panza at the feast, as every dish was ordered away from him. Tea and coffee were the most abominable things till we came to sugar! But that in its turn gave way to the horrors of tobacco; then beer was still more frightful, and the climax of evil was reached in gin. Truly, nothing was so intemperate as the fanaticism of temperance. It was not the business of finance legislation to meddle with the morals of the country. We must look to other means for the elevation and improvement of the people. At the same time, it was the duty of the Legislature to make the livelihood of the people as cheap as possible. Mr. Newmarch asked who could object to the duties he had mentioned. Everybody could object to taxes that were raised on articles of necessity. They were not there to discuss the facility with which a tax could be raised, but the justice of the tax itself. In respect to the one article of tobacco, the poor man paid from 100 to 1000 per cent. more on his wretched shag than the landowner upon the finer article. He objected strongly to the system of indirect taxation, which ought to be abandoned as soon as any other system could be found which would be applicable to all classes. And here he felt considerable difficulty. Mr. Jeffrey said he was laying down a principle, and it was not for him at present to say how it should be carried out. The only suggestion offered was the extension of the present income tax. Now it seemed to be recognised that below £100 a year it was impossible to collect that tax, because the cost of collection was more than the receipts were worth.

Mr. Shaw Lefevre thought that the gentlemen from Liverpool ought to have given some suggestion of what system they proposed instead of indirect taxation. Till they agreed in a system of direct taxation which would be just and equitable, it was idle to come here and say that indirect taxation was unjust, wicked and injurious. We already carry direct taxes to a large amount, such as the income tax, land tax, poor's rate, and county rate, under which upwards of £28,000,000 annually was raised, but would the community be satisfied with any of these or all combined to raise the entire taxation of the country? He objected very much to the income tax, though he did not quite see the way to alter it. But any feelings of discontent which now existed would be largely increased if it were extended. It had been said that in America a system of direct taxation was carried out to a large extent, and yet we have lately seen introduced in the United States Congress a bill to carry every kind of indirect tax, not only such as we now carry in England, but as we have long ago got rid of. We might fairly argue from this fact that their system of direct taxation had not been found equal to the emergency. When one system of taxation was objected to without a substitute being offered, it amounted to nothing more than objecting to all taxation, and therefore to all expenditure whatsoever.

Dr. Martin.—There was no doubt that direct taxation would have the advantage of fairness in the proportion of the burden, provided we could hit upon a fair plan. It was unquestionable that direct taxation was less expensive than indirect, and he had no objection to admit that trade would receive a stimulus by the abandonment of excise and customs. Trade, as such, ought not to be taxed while it was going on. But was there not a point in the scale at which direct taxation must cease to be productive?

Mr. Hollis said it should be limited to £50, as in America, where a man was allowed to have £50 worth of property free from all taxation.

Lord Brougham said he wished to ask Mr. Jeffrey and other friends a question. At the Congress at Bradford, three years ago, it was strongly argued that the duties on certain articles gave little profit to the revenue, while they occasioned great hindrance to trade, and it was resolved to apply for the repeal of those taxes. Accordingly they had been repealed. Had the results of that experiment been successful?

Mr. Jeffrey said the results had given great satisfaction to the commercial community. The change had brought an increased prosperity to the country, there had been an increased consumption of the articles hitherto taxed, and a considerable trade had arisen in the articles then prohibited.

Lord Brougham thought the great defect in the case of the Liverpool deputation was, that they were prepared with no substitute.

TRADE AND INTERNATIONAL LAW.

TRADE.

An Account of some New Trades in Birmingham, and Phases of its Social Life since 1832. *By* J. SKIRROW WRIGHT.

IN the following paper I am only able just to glance at the subjects introduced; much interesting information might be added, and the list of new trades extended. The statistics for the most part must be taken as approximate only; and for them I am under great obligation to the various manufacturers.

SHIP SHEATHING.—About thirty years have now elapsed since the late Mr. G. F. Muntz (who was afterwards, for some time, M.P. for our borough) discovered that a certain combination of copper and spelter would produce a metal which would effectually resist the action of sea-water. For this he obtained a patent; and, as it soon came into general use, he applied for an extension, when we learn from the evidence, that a profit of £70,000 had already been realized. The authorities declined to grant any further protection; but the valuable properties of the metal had become so universally recognised that a much larger trade was done, and, in the course of a few years, Mr. Muntz had amassed a fortune of half a million. Some time ago, it was discovered that the addition of phosphorus to molten metal rendered it still more impervious to the action of the sea-water, and a patent was procured for this also. A large quantity of this metal is now consumed annually. There is scarcely a port in the world at which ships are built, at which there is not a large demand for sheathing metal; and, of the two sorts, not less than one hundred to one hundred and twenty tons are produced weekly, giving constant employment to about five hundred men and boys, and being of the annual value of half to three-quarters of a million. It is computed that in Birmingham and its immediate locality, an average of four to five hundred tons of copper is consumed weekly in the sheathing, tube, casting, wire, and other trades. Thirty years since, a tenth of the quantity would probably be an over-estimate.

BRASS TUBES, for locomotive or marine boilers, are made principally in Birmingham. They are cast in one piece, and can be drawn to a length of thirty feet, with a ten inch bore. About one hundred

tons are produced weekly. Some five hundred men and boys are engaged. This trade was unknown twenty-five years since, and all tubes, previous to that time, were soldered. A large number of persons are employed in the manufacture of small tubes, for useful and ornamental purposes, as gas tubes for chandeliers, desk rails, &c.

Railway Carriages.—A large trade in these has found its seat in Birmingham. A thousand persons are employed in three or four great establishments, from which railway carriages and trucks are supplied to all parts of the world.

Metallic Bedsteads.—Twenty years ago metallic bedsteads were only used in hospitals and public institutions, and in very hot climates; but latterly they have come into very general domestic use. At that time there were not more than four makers, now there are fifty, who probably produce 200,000 annually. There are nearly two thousand persons employed in this trade, of whom about three hundred are girls and women. The labour of the men being manual only, their wages may not average more than twenty-five shillings per week. The only deleterious part of the trade is the painting. The good qualities of metallic bedsteads are at once apparent—durability, portability, and cleanliness. These qualities are found in the plainest description, but little has yet been done to produce artistic excellence; and as the articles offer the widest range for effect, there is no doubt that, from the attention now being paid to design, the next few years will witness a great advance, to which the Exhibition of 1862 may give an impetus. At present, even the best patterns are hardly in keeping with the furniture in the houses of the wealthy, but the tendency is now in the right direction.

Steel Pens.—In Great Britain, Birmingham has retained exclusive possession of this trade. The first metallic pens were made some forty-six years ago by an artisan who worked in a garret, but it is only about thirty or thirty-five years since that it became a trade. It now gives employment to nearly two thousand persons, who work in well-ventilated, well-conducted factories, and for the most part earn good wages. About four-fifths are women and girls. Men are employed to harden and temper the pens, &c.; this does not require any great skill, and the average wage is from twenty to twenty-five shillings per week, but clever workmen are required as tool-makers, who earn good wages, and, when very skilful, from three to five pounds weekly. It is computed that from eight to ten tons of steel are cut up weekly.

Jewelry.—Since the discoveries of gold in California, the jewelry trade in Birmingham has received a most remarkable development. A large district on the north side of Birmingham, that twenty-five years ago was cultivated as gardens, is now covered with respectable houses having workshops attached, occupied almost exclusively by persons connected with the jewelry trade; the Jews' quarter in Amsterdam is not more distinctly marked than is the jewellers' quarter in Birmingham. There is no doubt at least half the jewelry for personal ornament produced in the kingdom is made in Birmingham. It is not possible to ascertain the value of the precious metals used yearly

in this trade, as Australian, Mexican, United States coins, as well as English sovereigns, are melted to a large extent; but at a moderate estimate 3000 oz. of gold and 6000 oz. of silver are used weekly, which represents an annual consumption of about £700,000, exclusive of the quantity used for gilding and plating, and in the manufacture of forks, spoons, and services of silver plate, which would undoubtedly bring up the value to upwards of a million pounds sterling; besides this, a very large amount of diamonds, pearls, and a variety of precious stones, are used. For the most part, the trade is carried on by small masters, who employ from three to fifty men and boys each; many of the masters working at the bench themselves. It is remarkable that, except in gold chain-making, and a few as polishers, no women are employed; and yet it is much lighter, and apparently more adapted for female labour, than many other trades in Birmingham to which they readily apply themselves. The gold and silver chain-making is usually carried on in large manufactories, and in this branch steam machinery has been employed, and gold chains can be produced with the greatest facility, of any length, by its means. In 1832 there were about twenty masters and probably two hundred employés; now there are upwards of two hundred and fifty masters, and about three thousand workpeople, besides a large number in subsidiary trades, as lapidaries, die-sinkers, enamellers, case-makers, &c.; and if the workers at the silver and gilt toy trades are included, it would show that at least 5000 persons are engaged. Writers sometimes expend their wit on Birmingham work, and would have their readers believe that its productions are only imitations and of an inferior class; yet a large part of the stock that adorns the shop windows in London, and much doubtless that is sold for and considered to be London make, is made in Birmingham.

Buttons.—Some two generations since, the making of buttons was the staple trade of Birmingham; but the freaks of fashion, and foreign competition, have placed it in a lower rank. It was one of the original trades of the celebrated firm of Bolton Watts; but the beautiful studded steel buttons and buckles, from which they reaped a large fortune seventy years since, are now nearly all made in France. Partly through the unwise action of the trades' union, and partly through the competition of the Viennese, with change of fashion, there are not more than two-thirds the pearl buttons produced now there were a few years since. The quantity of mother-of-pearl shells consumed in this manufacture varies from 1000 to 1500 tons annually. But we refer to the trade in order to call attention to the development of a new branch. Central America produces the corozos nut, which, from its resemblance, when dry, to the grain of elephants' tusks, has been termed vegetable ivory. Upwards of 700 tons of this article were last year imported and consumed in the manufacture of buttons. It can be turned and carved as easily as ivory or bone, and receives the most delicate dyes. From 500 to 700 persons are employed, mostly women or girls. The produce is weekly from 5000 to 8000 gross.

Hooks and Eyes.—In nothing has the application of machinery produced such results as in these insignificant but very useful articles. Forty years ago, when made with the hand by means of pliers, they were worth from three shillings to four shillings per gross, and now they are produced and sold wholesale at less than twopence! About 800 women and children are altogether or partially employed at their own homes in sewing them on cards, for which they receive about three-eighths of a penny per gross. The original machines were introduced by a Frenchman about thirty years since; and the quantity now produced is estimated at 50,000 gross weekly.

Photography.—No trade has greater claim to be considered universal. Formerly, the metallic frames which were so largely used, were the products of either Germany or America; now Birmingham manufacturers can produce cheaper than either. At the present time, there are 400 to 500 persons employed in connection with photography in Birmingham. Two years since, nearly twice the number were engaged; but the change of fashion or taste has almost revolutionized this as it has so many other trades. The albumenized paper is made in Birmingham. One person uses the whites of tens of thousands of eggs in the process, annually.

Electro-Plate.—No trade has done so much to elevate the taste and exalt the position of the workman, as the electro-plated trade. The rude hammerer has given way to the artist modeller and the skilled chaser. The plater, who soldered his silver and copper together by heat after the only known mode pursued by his grandfather, has been supplanted by the scientific chemist; and the poor "water-gilder," whose palsied limbs told of daily dealings with poisonous mercury, is succeeded by workers who cover the base with the most precious metals, without any fear of losing their health, or finding, through their trade, a pathway to an early grave. Within a quarter of a century this trade has been brought to—or rather we might say created in—Birmingham. A glance at the magnificent productions of Messrs. Elkington, in the International Exhibition, will show what the trade now is. We have nothing that will enable us to make a comparison with what it was twenty years since. Upwards of 2000 persons are employed in this entirely new trade, amongst whom are some French and many English designers, modellers, and artists of great talent, and a number of practical chemists, who are possessed also of considerable scientific knowledge. The wages generally paid are above those in any similar class in Birmingham. In the manufactory of Messrs. Elkington (who employ 1000 persons) are produced colossal and life-size bronze statues, statuettes of every description, copies of the finest works of ancient art capable of being produced in metal, and every description of gilt and plated wares. They also manufacture *solid* silver plate to a very large extent; and a glance at their elaborate designs in *repoussé* silver will afford conclusive evidence, that such efforts to advance art in this country have certainly not been made since the days of Cellini. The enterprise of this firm, and the large sums they have expended in producing their unequalled stock of

models and patterns, and to secure the service of the necessary artistic workmen to produce such works, have brought them into the position of one of the first houses for the manufacture of silver works in Europe; and their establishment is one that not only Birmingham, but England, may justly be proud of. Besides this establishment, there are several others paying large sums for the production of new designs, and whose continual aim is to produce articles that shall be artistically faultless, and, at the same time, useful and durable. Many tons of fine nickel metal are used weekly in this trade, as a base to receive the pure coating of gold or silver deposited by electricity. It should never be forgotten, that electro-gilding has been the means of saving many lives annually in Birmingham, which would otherwise have been sacrificed under the old method of gilding by mercury. Many other entirely new trades are in operation, employing in the aggregate a large number of persons—but separately only a small number—such as the making of percussion-caps, embossing presses, metallic eyelets, metal clasps for books, and photographic albums.

It is a very difficult matter to estimate, with any degree of correctness, the influence which the trades of our town have upon the social life of its inhabitants; but we think we can trace some connexion between them, and would briefly glance at a few of the more novel features.

The comparative freedom of the population of Birmingham from crime, more especially in the case of women, is probably owing to the demand there is for their labour—to their industrious habits—to the opportunities constantly afforded them of advancing their position; and not least, to the benefits they derive from their attendance at Sabbath schools, where large numbers remain until the age of twenty and upwards. Except in a few exceptional cases, our town cannot boast of its millionnaires, but a large number of small fortunes have been realized, and there is less distance between master and workman than elsewhere: the small capital required in many trades, enables large numbers of men to become masters. One of the largest of our jewellers, himself originally a workman, can point to at least ten other masters, each employing several workmen, and apparently well to do, all of whom have been employed by him as apprentices or journeymen.

In some towns we find that a few men of talent rise to great eminence; but in Birmingham there are developed, in great numbers, those qualities which command success, and which are of the highest value to the nation. Here, the manufacturer, however limited his trade, must personally exercise skill and taste in the production of his articles—must use his intelligence in discovering the best markets for his wares—must study the tastes of consumers at home and abroad—he must attain the power of command, that he may properly control and direct his workmen—and he must study finance, that he may, on the one hand, avoid overtrading, and, on the other, properly use his capital. These qualities are, we believe, found here to a greater extent than in most of our modern cities.

The development of so many new trades has attracted a large popu-

lation; the increase shews a larger per centage than any other first-class provincial town, with the exception of Sheffield—

In 1831	it was	147,000
„ 1841	„	183,000
„ 1851	„	232,000
„ 1861	„	296,000, or, with the suburbs, 310,000,

shewing an increase in thirty years of 100 per cent. It is worthy of note that each inhabitant has nearly double the space which is permitted to the population of Manchester; the number of persons occupying each house is five in Birmingham, five and a half in Manchester, and seven in Liverpool: in Birmingham, no persons live in cellars. A large proportion (comparatively) of the houses in Birmingham are the property of the occupiers—this will, especially, apply to those erected within the last ten years; and, in the outlying districts, the agency of building societies has largely contributed to this, and the independence and self-reliance, which are thus fostered are most important elements in the well-being of a community.

As regards education, the facilities for obtaining it are so great that no child or young person need be without the elements at least—in fact, there appears to be rather a want of scholars than schools. The free grammar school gives a gratuitous first-class education to several hundred boys, and its advantages are used by the principal inhabitants of the town, without respect to creed or sect: there are in connexion with this truly noble charity (its income is about £12,000 per annum) several elementary schools, at which the sons and daughters of artisans can obtain, without cost, a good, sound, and most useful education; also attached to nearly every church, and to several chapels, are day schools, where good elementary (and in some cases more advanced) education can be obtained at from twopence to sixpence per week. Five years since an educational society was formed, and adopted a prize scheme, which has been most successfully carried out, and stimulated to increased exertions both masters and scholars. It should be noted that the Society of Friends have opened schools on Sunday mornings, where some six or seven hundred young men and women are taught reading and writing. There are upwards of seven hundred pupils studying in the schools of design. Eight hundred pupils attend the evening classes of the Birmingham Midland Institute.

Provident and Co-operative Societies.—There are very few of the artisans of Birmingham who are not connected with some sick-club or provident institution; the various orders of Odd Fellows number some thousands of members in Birmingham. Many of the larger manufactories have sick-clubs; the members receive a certain sum weekly if unable to work, and generally divide the balance at Christmas; the principle is not sound, but answers a good immediate purpose, and the dividend generally is made at a time when the manufactory is closed for taking stock. Formerly sick-clubs were held at public-houses, for the benefit mainly not of the contributors, but the publican, who generally made it a rule that at least twenty per cent.

should be spent in intoxicating drinks. Two societies especially call for notice; they both meet at places of worship. One established in 1841 has upwards of 5000 members, an income of above £8000, a capital of £15,000, and has a graduated scale of fortnightly payments. The other society was established sixty years since; it has 2200 members, a sinking fund of £4000, and divides its surplus every year at Christmas. Both these are managed by artisans, clerks, and small tradesmen, and are memorable instances of the power of association. Co-operative societies have several times been attempted in Birmingham, but have almost invariably failed.

Loan Societies of various sorts are very numerous in Birmingham; sometimes they are managed in separate offices by a few speculators, and perhaps more frequently at public-houses, (on the mutual principle,) the landlord getting the lion's share; however, they offer great inducements to the needy, and doubtless in some instances are the means of giving an industrious man a start in the world, and sometimes helping an unfortunate one out of a difficulty; but they are largely used by the improvident and dishonest, to the injury, and in many cases to the ruin, of their bondsmen; the interest charged is never less than ten per cent., more frequently fifteen per cent., and not seldom even more.

Building and Land Societies are supported by a different class: the good wages obtained by many artisans, and the considerable profits made by small masters, have caused them to attain a remarkable degree of prosperity. It is computed that 9000 to 10,000 persons are now contributing to these societies a sum equal to from £130,000 to £150,000 per annum; and that, during the last twenty years, a sum not much short of a million pounds has been paid into them.

Public Baths have been established by the municipal authorities. The first experiment in this matter was so successful that the Town Council deemed it desirable to extend the advantages, and they have recently erected commodious buildings in two other districts, whilst a fourth is contemplated. About 240,000 baths are taken annually, producing a revenue of £3650, and involving an outlay of £2650. Wash-houses are not used.

A Free Library has also been established, an account of which has been furnished in another paper.*

There are at present two public Parks in Birmingham, but these are too distant from the centre of the town to permit a large majority of the inhabitants to avail themselves of these advantages. We learn that, in the seven months ending 1st October, the Park nearest to the town was visited by about 220,000 persons, nearly all of whom were artisans and their families, and not a single case of misconduct of any kind has been reported to the committee. This park is used as a practice-ground by thirteen cricket clubs, numbering some three hundred and sixty men and boys.

* See page 783.

Our Monetary Laws; their Evils and the Remedies.
By HAMER STANSFELD.

THE object of this paper is to submit for consideration a plan for a National Bank of Issue, based on the principle of free trade in sound money, of taking care of the quality of the currency, leaving the quantity to take care of itself; by means of which Bank of Issue the convertibility of all bank-notes into gold will be made more secure than under the present system; a considerable revenue derived; an immediate sum of £30,000,000 obtained; and such a reserve of gold maintained as will correct an adverse rate of exchange without disturbing our domestic currency, counteract the evils of drains of gold, and prevent monetary panics.

Before explaining the plan, and its advantages over the present system, it will be necessary to clear away the fallacies which encumber the subject of money, and make it so difficult to be understood.

We must grapple with the puzzling question—What is money? and endeavour to show not merely what money is; but what it is not—that it is not capital, as is commonly supposed. Money is the most useful thing in the world, as we all know by experience; and yet, paradoxical as it may appear, it is the most useless, unless exchanged for something else. We cannot eat it, or drink it, or use it for clothing, or adapt it to any other purpose.

This is palpably the case with bank-note money; but it may be said that sovereigns and shillings can be melted and converted into plate and jewellery: true, but then the moment they are melted they lose their character of money and become mere bullion. So long as they remain money they are simply tickets for the transfer of property, and are perfectly useless until exchanged for something else; for when employed in paying debts, they are only given in exchange for something else previously obtained on credit.

What then is money? We know that it serves as the measure of value, the medium of exchange, and the instrument for the payment of debt; these are its uses. But why does it serve these purposes? is it not because the true nature of money is that of being a security for obtaining and exchanging equivalent values of labour and property, of services and commodities?

Does it not act as a measure of value, because metallic money contains within itself the value of the labour necessary to procure it—it is a security to that amount; and as paper money is a promise to pay the same value as metallic money, it is a good or bad security according to the ability of the issuers to fulfil their promise.

Does it not act as a medium of exchange, because it is a security for the value of the property exchanged? and as an instrument for the payment of debt, because it is a security for the transfer of an equivalent value? If we consider the primitive state of barter, we shall find that when money was first introduced, whether in the form

of cowrie-shells, skins, or metal, it was accepted in exchange for labour and property as a security to the seller that he could obtain an equivalent value of labour and property.

We hold it to be of the greatest importance that this essential character of money—that of its *being a security*—should be clearly recognised, as it explains to us most of the mysteries of the currency question. As a security, it is evident that as there cannot be more securities in action than transactions to be secured, so there cannot be more sovereigns or shillings or bank-notes in actual employment than trade calls for; and this is corroborated by the testimony of all issuing bankers, that more convertible bank-notes cannot be kept in circulation than trade requires.

Money, being a security, is passive and not active in its nature: the wants and desires of men constitute the active power; and money, as a security, is simply passive in enabling them to gratify their wishes.

Regarding money as a security, we can also see clearly that money is not capital. It is the mistake of confounding the two that makes the question of the currency so exceedingly perplexing. Dr. Adam Smith says, "the great wheel of circulation (meaning money) is totally different from the goods (capital) circulated by it;" and Lord Overstone in his evidence before the bank committee said, "it is a very common fallacy to consider capital and money one and the same thing."—Let us attempt to draw the line of distinction clearly between them: capital consists of commodities and services used, or capable of being used, in production; capable of adding to the products of the world, and contributing directly to the wants of mankind. Money is a security for obtaining and exchanging equivalent values of capital, but cannot of itself, *directly, and without being changed*, add to the products of the world, or contribute to the wants of mankind. —"Money of itself," says Mr. J. S. Mill, "is the most insignificant thing, and cannot of itself perform any part of the office of capital, since it can afford no assistance to production." Money, so long as it is retained by its possessor as money, and not exchanged for something else, is of no use to him. Capital, on the contrary, is the source from which all the material wants of mankind are directly supplied.

The dealers in money and capital constitute two distinct classes. Bankers and discount brokers are dealers in money, and although invaluable as providing the means of obtaining capital, do not themselves produce anything. Manufacturers, merchants, and shopkeepers are dealers in capital, and use money only as a means of obtaining the article in which they deal, and by which they contribute to the wants of mankind.

A new word—"moneyist"—is wanted, in contradistinction to that of capitalist. The moneyist is one whose principal, or capital stock, consists of money, the security for capital, and the medium for its exchange. The capitalist is one whose principal, or capital stock, consists of services and commodities used in production—the subjects of commerce to be exchanged through the medium of money. That which is erroneously called loanable capital is really money, the

loanable security for capital. The experience of the last few years affords ample evidence of the difference between money and capital. In the panic of 1857 we had abundance of capital (commodities), but a dearth of money; whilst now, with a scarcity of one of the most important ingredients of capital—cotton—we have a plethora of money.

Our debts are contracted in money, and can only be legally discharged in money; but they are really paid with capital, as we have first to procure the money by selling our capital (commodities).

Laws which limit the supply of money—the mere legal agent for the transfer of labour and commodities—the real liquidator of debt—are the sure generators of panics, whenever a deficiency of money is apprehended; and our laws create this apprehension.

The Act of 1844 (the Bank Charter Act) not only limits the supply of bank-note money, so that it can never exceed the amount requisite for the comparatively small trade of 1844, *unless by the uncertain influx of gold*, but ensures its diminution in three different ways.

1st. By providing that the lapsed issues of country banks shall be filled up to the extent only of two-thirds the amount by the Bank of England, occasioning up to 1857 a reduction of £350,000, as officially declared.

2nd. By the penalties imposed on country bankers for exceeding their authorized issues; virtually diminishing their circulation upwards of £1,000,000.

3rd. By the destruction of Bank of England notes to an amount equivalent to the gold taken from the issue department of the Bank of England.

Under the combined effect of these three modes for regulating the issues of bank-notes, so as to secure (what had not been doubted) the convertibility of Bank of England notes—the total amount of bank-notes in England, in November, 1857, was less by £8,000,000, or nearly one-fourth, than when the Act was passed in 1844. The notes issued by the Bank of England alone, on the 7th September, 1844, being the first return gazetted after the passing of the Act of 1844 in July, were to the amount of £28,351,295

On the 11th November, 1857, only . . . 21,141,065

Being a reduction of £7,210,230

Of this amount of £21,141,065, issued on the 11th November, 1857, the day before the suspension of the Act of 1844 by the government letter, £14,475,000 was issued against securities, and £6,666,065 against gold.

Had the Act of 1844 not been passed, the directors would have been at liberty to issue any proportion of notes to gold which they thought prudent; and as in 1839, during the American crisis, they issued in the proportion of £7 in notes to £1 in gold, the same proportion, if applied to the gold held on the 11th November, 1857, would have placed at their disposal, for the accommodation of the public, £46,662,455, instead of £21,141,065. No apprehension, then,

of a scarcity of Bank of England notes could have arisen, nor any monetary panic have occurred.

The avowed intention of the Act, to diminish the quantity of money as gold leaves the country, creates in times of scarcity and pressure the apprehension that there will not be a sufficiency of legal tender money to meet the liabilities coming due. Bankers then naturally begin to hoard notes, and the public to scramble for them, and a panic, as in 1857, is the consequence. A panic, not arising from a scarcity of capital (of services and commodities)—as we have the evidence of Mr. Gladstone that the savings of the country have increased for the last ten years at a rate of fifty millions a-year—but owing to a deficiency of legal tender money artificially created by the Bank Charter Act; the want of money, the mere security for transferring capital, and not the want of capital, being the cause of monetary panics. "Let us have notes," was the cry of the London bankers to Sir Charles Wood, the Chanceller of the Exchequer, in the panic of 1847; "charge any rate of interest you please, ask what you like." Can stronger proof be given of perfect confidence in the notes? Instead of there being any doubt about their convertibility, the only fear was—that they could not be had on any terms. "Let us have notes," they said—"we don't mean, indeed, to take them, because we shall not want them; only tell us that we can get them, and this will at once restore confidence."

The government were again compelled in 1857, as in 1847, to grant the prayer by authorising an *unlimited* issue of notes; to nullify the law by suspending the Bank Charter Act; and in both instances, so soon as the Act was suspended the panics ended.

To put an end to this state of things, and to prevent the recurrence of monetary panics, I submit the following suggestions:—

Plan for a National Bank of Issue.

1. To establish a National Bank of Issue where all, with the exception of the government, can have as many legal tender notes, payable in gold on demand, as they may want, upon depositing one-third of the amount required in gold, and the remaining two-thirds in government securities. Such notes to be of the value of £5 and upwards, in England; and of £1 and upwards, in Scotland and Ireland.

2. The notes to be returnable by the parties obtaining them when no longer wanted, and the deposits received back in exchange; the depositors having credit meanwhile for the dividends on their stock. The government securities to be taken at the market price of the day, and to be returned on cancellation of the notes at the price at which they were taken.

3. Commissioners for the management of the National Bank to be appointed by the Queen in Council, and to be made as independent as possible of the executive government.

4. The National Bank commissioners to charge at the rate of 3 per cent. per annum for the use of the notes.

5. The National Bank commissioners to issue one pound notes in exchange for a deposit of one-third of the amount in gold and two-thirds in government securities; to serve as substitutes for sovereigns in the retail trade during a drain of gold, whenever, and so long as, the market rate of discount for first-rate bills, not having more than ninety-five days to run, shall in their judgment exceed 5 per cent.

6. The commissioners to charge at the rate of 4 per cent. per annum for the use of such notes.

7. The profits of the issue of this national currency to be for the benefit of the state.

8. The commissioners to have the power of keeping an extra reserve of gold to the amount of £10,000,000, over and above the one-third deposited, as an additional means of securing the convertibility of the notes, and counteracting the evils of drains of gold; the said sum to be taken from the fund of £30,000,000, obtained by the nation becoming the sole issuers of bank-notes.

As it would exceed the time allowed, to enumerate all the advantages of the proposed National Bank of Issue over the present system, a few only will be given, explanatory of its principal features.

I.—The convertibility of the Bank of England note will be made more secure, and the convertibility of all bank-notes equally secured.

Because, under the Acts of 1844 and 1845 the Bank of England is allowed to issue notes to the amount of £14,000,000, and the Banks of Scotland and Ireland and country banks to the amount of £17,148,995, making together a sum of £31,148,995, without any gold whatever being deposited to ensure their convertibility; whilst under the proposed National Bank of Issue the gold deposited against that amount of notes, would be £10,382,763.

II.—The apprehension which under the present system occasionally exists, of there being an insufficiency of legal tender money to meet the obligations coming due, will be removed; as under this system of a National Bank of Issue no limit is placed to the supply of legal tender paper money, excepting that of convertibility; and consequently no fear can arise of a monetary pressure being converted into a monetary panic.

III.—The evils attendant upon drains of gold, to which we are exposed under the present system, will be prevented by the National Bank of Issue providing such an extra supply of gold as will correct an adverse rate of exchange, without diminishing our lomestic currency, and consequently producing ruinous depreciation in prices, and monetary panics.

This extra reserve of gold is provided by the clause which proposes to instruct the commissioners to issue one pound notes to serve as substitutes for the sovereigns used in the retail trade whenever the rate of discount exceeds 5 per cent., and to charge 4 per cent. per annum for their use: the effect of which charge would be that when the gold returned to the country, and caused the rate of discount to fall, the notes would be again exchanged for gold and cancelled, as it would no longer pay to make use of them.

Should the method here suggested, of providing the extra reserve of gold by the issuing of one pound notes, not be approved, the same end might be attained, but at a great cost, by adopting the recommendation of Mr. Thomas Tooke, of keeping an extra reserve at the expense of the country; and as the profit of the circulation under the proposed National Bank would be for the benefit of the state, the charge for keeping such reserve would go in diminution of the profit.

IV.—The revenue derived by the state from the circulation under the present system is only £150,450; whilst under the proposed National Bank system, it would be £1,172,500.

The profit to the government under the present system, irrespective of stamp duties, which would be the same under both systems, is derived from two sources.

1st. From the allowance paid by the Bank of England for the privilege of issue	£120,000
2nd. From the licence duty of £30 on each issuing bank, and on each of its branches, yielding in 1856, as officially declared	£30,450
	£150,450

The profit to the Government under the proposed National Bank will be 3 per cent. on the total issue of notes; estimated by Mr. M'Culloch to be £45,750,000, yielding	£1,372,500
From this amount must be deducted the cost of manufacturing the notes, stated by Mr. Thomas Hankey, one of the Directors of the Bank of England, to be for the present quantity £170,000; and for the increased quantity of the notes under the National Bank system we will assume the expense to be	£200,000
Leaving a nett profit of . .	£1,172,500

Should it be deemed preferable to maintain an extra reserve of gold instead of issuing one pound notes, there would be a further charge of £300,000 to the debit, for the interest on £10,000,000 at 3 per cent.; reducing the profit to £872,500, being still £722,500 more than under the present system. No credit is taken for the 4 per cent. on the one pound notes which might be issued when the rate of discount exceeds 5 per cent., as the probability is that the apprehension of a deficiency of legal tender money being removed, that rate would never be exceeded.

V.—Were a special stock created for the distinct object of providing a sound currency, instead of appropriating the existing government stocks for that purpose to the exclusive advantage of the fundholders, a sum of at least £30,000,000 might be obtained for the

use of the government, and for the benefit of the people, without laying any burden on the public whatsoever.

Assuming the total issue of notes to be for £45,000,000, based upon two-thirds of the amount in government securities, and one-third in gold, a sum of £30,000,000 in a National Bank 3 per cent. stock would be required.

The operation would be as follows. The public, in the first instance, would purchase the stock from the government and give their money in exchange, as they do for an ordinary government loan: they would then deposit the stock with the National Bank commissioners, and receive their money back in the shape of legal tender bank notes; adding to their deposit of £30,000,000 of National Bank stock, £15,000,000 of gold, against which they would also receive notes. The public, therefore, would be in possession of the same amount of money as before the transaction; they would have lost none, and yet the government would have gained £30,000,000. This result arises simply from the government becoming the issuers of this credit money instead of bankers; by taking from fallible issuing bankers the monopoly which they now enjoy for their private advantage, and transferring it to an infallible National Bank for the good of the public.

On the part of the government it would be the receipt of the sum of £30,000,000 subject to an annual charge of £900,000; and as this charge would be defrayed out of the profits of the circulation, the Government would get the amount without laying any burden on the public whatsoever; and were a still larger amount than £30,000,000 of the National Bank stock required, the government would obtain a still greater sum.

It may be said that such an issue would virtually be a government issue of notes for £45,000,000, based on a reserve of gold of £15,000,000, to ensure convertibility, and so it would be; but with this important difference in the working, that the amount in circulation would adjust itself to the requirements of commerce, and be regulated by the wants of the public and not of the government.

In conclusion, let us briefly consider the fundamental principle of the Act of 1844, viz., that a mixed currency should fluctuate exactly as a metallic currency would. The observation of Mr. James Wilson, "that the principles on which the Act is founded are not only not true, but in every instance nearly the reverse of the truth," may justly be applied to its fundamental principle. With great deference to the opinions of the high authorities who have sanctioned it, I would submit that the very opposite principle is the more correct—namely, that a mixed currency should *not* fluctuate as a metallic currency does. A metallic currency is undoubtedly the safest, possessing intrinsic value; but its liability to fluctuation in quantity, arising from the state of the exchanges, and consequent drains, diminishes its claim to be considered the best type of a currency. Its liability to fluctuation is an evil to be counteracted and not adopted.

The avowed intention of the Act is to make money dear and every

thing else cheap when the exchanges are against us, and gold leaving the country, in order to bring it back and ensure the convertibility of the note. The ingenuity of man could not have devised a better scheme for legally defrauding all other classes for the benefit of the monied class. But it will be asked—How can we maintain, under a mixed currency, the safety of a metallic currency, and yet avoid its fluctuations? Simply by keeping a larger reserve of bullion, as recommended by Mr. Tooke; such a reserve as would adjust the exchanges without diminishing the supply of our domestic currency. The largest drain ever known, necessary to turn the exchanges in our favour, and bring the gold back, was in the panic of 1847, when gold to the amount of £9,000,000 was exported. If, then, a reserve of gold in the form of bullion of £10,000,000 were kept, it would be ample to prevent any disturbance of our domestic currency and any alteration in the rate of discount, consequent on the efflux of gold.

Previous to the Act of 1844, anybody could issue notes without giving the least security whatever. I advocate the granting the same freedom of issue, but requiring the amplest security to be deposited for their convertibility into gold.

Before the Act of 1844, there was free trade in an unsecured currency; a principle sanctioned in some degree by Adam Smith, who says—"if bankers are restrained from issuing any circulating bank-notes, or notes payable to the bearer, for less than a certain sum (previously stated to be £5), and if they are subject to the obligation of an immediate and unconditional payment of such bank-notes as soon as presented, the trade may with safety to the public be rendered in all other respects *perfectly free*."

We contend for free trade in a sound and secured currency, which is in accordance with the rule laid down by Mr. J. S. Mill, the highest living authority on political economy, "that the substitution of paper for the precious metals should be always carried as far as is consistent with safety; no greater amount of metallic currency being retained than is necessary to maintain, both in fact and in public belief, the convertibility of the paper;" and also in accordance with the view of Mr. Thomas Tooke, the distinguished author of the History of Prices, who recommends "a total abrogation of those provisions of the Acts of 1844 and 1845 which limit the amount of the note circulation."

The Society of the Union of Credit of Brussels. *By* M. T. HAECK, *Brussels.*

AMONG the institutions of modern creation, worthy to be brought to the attention of men who occupy themselves with the improvement of the condition of all, by consecrating the principle of *mutuality*, we think we can place in the first rank the Society of the Union of Credit at Brussels.

The Union of Credit at Brussels is a bank founded by merchants, proprietors, operatives, and cultivators themselves, that is to say, by those who are obliged to have recourse to the use of credit. All together they form the bank, of which they are individually the clients and the shareholders. At a general meeting they name the administrative council, and the agents charged with controlling its acts. Every merchant, operative, cultivator, manufacturer, proprietor, admitted as a shareholder, participates in the advantages and the risks, in proportion to the amount of the credit which is opened and guaranteed in his favour.

The object of the society, says the third article of the statutes, is to procure for commerce, for industry, for agriculture—in fact, for workmen of all classes—the capital which is necessary for them, within the limit of their material and moral solvency.

According to the statutes solvency is established :—

1. By public notoriety.
2. By a mortgage on real property.
3. By giving personal security, or the engagement of a solvent guarantor.
4. By a deposit of state securities, the transfer or pledge of a mortgage, or by a payment of money, of which the rate of interest is fixed by the administrative council.
5. Lastly, by any guarantee, of whatever nature, provided it be recognised by the administrative council of the society as valid and saleable.

The council of administration of the society is composed of twenty shareholders named by the general council; one-third go out by rotation, and every application for admission must receive three-fourths of the votes.

Every shareholder pays, on his entrance into the Union, five per cent. of the credit which is opened for him; this payment is carried to his credit, and is to be accounted for to him on his leaving the society.

Every shareholder can dispose of the whole or of a part of his credit, either by giving a bill of exchange, or by his simple promise or note.

The administrative council cannot undertake any speculative operation; it can only borrow within the strict limits of the wants of the society; these wants being the demands which the shareholders make from day to day, within the limits of the credit opened to each of them.

The annual expenditure of the union is composed—

1. Of interest paid on borrowed capital.
2. Of general expenses.
3. Of the losses which the society has to meet.
4. Of the salaries of the agents.
5. Of a quota which is calculated on the profits, under the title of remuneration to the members of the administrative council.

The profits of the union are nothing else than the sum which remains disposable at the end of the year, on the total of the sums paid by the shareholders who have borrowed during the year. The remuneration of the administrative council is based on the excellence of its management: the better it manages, the better it is paid.

Every retiring shareholder is bound to previously liquidate his obligations to the union. When his accounts are settled, the administration declares him quit and free for future transactions, and it pays to him the sums which belong to him in the general fund at the time when his retirement becomes valid under the terms of the statutes. The general meeting is composed of all the members or shareholders of the union. The decisions are taken by a majority of the members present. Each member has only one vote, whatever may be the amount of his credit.

Such are the principles on which the Society of the Union of Credit of Brussels has been built for fourteen years. We will proceed to show how fully experience has sanctioned this first application of the principle of the self-government of labour in the matter of credit.

The Society of the Union of Credit of Brussels commenced its operations on the 1st of July, 1848. Here is a statement of the number, since that time, of its shareholders on the 31st of December in each year, with the guaranteed capital forming the total of credits opened:—

Years.	No. of Shareholders	Guaranteed Capital.
1848	228	2,049,000 frs.
1849	450	4,502,600 „
1850	532	5,089,600 „
1851	644	6,172,900 „
1852	785	7,476,000 „
1853	967	9,194,600 „
1854	1,049	10,027,400 „
1855	1,177	11,208,200 „
1856	1,330	12,828,200 „
1857	1,519	14,939,400 „
1858	1,700	16,785,200 „
1859	1,849	18,412,200 „
1860	1,961	19,839,800 „
1861	2,014	20,605,300 „

This continual increase, through all the commercial and financial crises which have arisen since the moment of its foundation—crises which the union has gone through without perceiving them—says more for it than any comment. The operations during the same period are not less remarkable. Here they are:—

Years.	No. of Bills Discounted for Shareholders.	Amount of Bills Discounted in the Year.
1848	2,860	1,947,669 frs.
1849	12,660	9,310,306 „
1850	17,201	12,077,913 „
1851	28,578	17,601,829 „
1852	38,555	21,891,464 „
1853	54,388	27,915,234 „
1854	62,100	31,272,008 „
1855	65,651	33,261,861 „
1856	73,401	36,193,269 „
1857	74,976	39,192,201 „
1858	79,418	42,810,551 „
1859	85,048	47,575,057 „
1860	87,494	49,893,842 „
1861	94,485	52,408,308 „
Totals	776,815	423,351,012 frs.

During the fourteen years, from 1848 to 1861 inclusive, the union had then discounted for its shareholders nearly 780,000 bills of exchange, representing a total of transactions of upwards of 420,000,000 francs.

In dividing the sum total of discounts by the entire number of bills discounted by the union, the quotient is hardly more than 540 francs; which is as much as to say, that the greater part of the bills discounted by the union have been bills of what is called *petit commerce*, on which the discount ordinarily charged by bankers is exorbitant. The following is a statement of the general expenses of the union for the same period of fourteen years :—

Years.	General Expenses.	Per centage on the Total Amount of Discounts.
1848	2,096 frs.	11 centimes.
1849	9,347 „	10 „
1850	12,979 „	10 „
1851	18,156 „	12 „
1852	27,840 „	13 „
1853	38,419 „	14 „
1854	48,004 „	15 „
1855	56,160 „	16 „
1856	60,850 „	17 „
1857	64,527 „	16 „
1858	70,045 „	16 „
1859	75,372 „	16 „
1860	79,936 „	16 „
1861	86,246 „	16 „
For the 14 Years	649,977 frs.	14 centimes.

This table shows clearly the extreme moderation of the general expenses of a local bank, organized on the type of the Union of Credit at Brussels. What adds still more to the value of the institution is, that it can be commenced on the smallest possible scale. It is enough that a few respectable persons in a district obtain from government

the grant of incorporation to enable the institution to come into existence, to commence its operations, and to develop itself gradually, by the admission of new shareholders belonging to the same and to surrounding communes.

Unions of credit, founded on the type of that of Brussels, are already in actual operation at Ghent, Liege, Berlin, Vienna, Amsterdam, Chambery, and Paris.

The directors of the Union of Credit at Brussels do not receive, as we have already said, any fixed remuneration. By the terms of article 14 of the statutes, the directors enjoy, by way of remuneration, a proportion of the net annual profits, fixed at fifteen per cent., to divide among them. The balances of the past fourteen years will show us what has been the net profit of each, and the share taken by the five directors.

Years.	Net Profit.	15 per Cent. paid to the Five Directors.
1848	3,428 frs.	560 frs.
1849	22,956 „	3,443 „
1850	8,291 „	1,243 „
1851	33,543 „	5,026 „
1852	44,312 „	6,647 „
1853	57,538 „	8,637 „
1854	78,199 „	11,728 „
1855	88,469 „	13,269 „
1856	99,241 „	14,886 „
1857	119,383 „	17,907 „
1858	124,372 „	19,155 „
1859	128,735 „	19,310 „
1860	139,095 „	20,865 „
1861	144,721 „	21,708 „
For the 14 Years	1,092,283 frs.	164,384 frs.

One last remark will show the considerable advantage which the Union of Brussels has procured, during fourteen years, to its shareholders, independently of that which is the greatest of all, that each has constantly *at his free disposal* credit for a fixed sum. The sixth article of the statutes of the union runs thus :—" Every member participates in the losses and the profits of the society, in proportion to the credit for which he has been admitted. He signs an engagement in this sense. He pays on admission five per cent. of the credit which is accorded to him, to form a floating capital. This sum is carried to his credit."

This proportion of five per cent. of his credit, paid by each shareholder as a contribution to the floating capital, serves every year as the basis for the division of the excess which remains disposable, after the ordinary deductions, on the transactions during the year. Well, then, the sums which have been repaid in this manner to the shareholders, have risen to more than 780,000 francs during this period of fourteen years. If to this sum we add the advantage, not less great, arising from the fact, that the rates of discount by the union on the mass of

little bills which it has received are less, by two or three per cent., than those which the bankers would have exacted, we may estimate at a round sum, of more than 1,700,000 francs, the profit which the Union of Brussels has made for its shareholders since its foundation to this day.

Such results as these, obtained at the first start, without vacillation, without deviation, without the cost of experiment, show beyond doubt special aptitude, and the most absolute devotion to their work, among those who had undertaken to carry it out. But if we consider that the Union of Credit at Brussels was founded, not at an epoch of general calm and prosperity, but at a time of great commercial, industrial, and financial embarrassment, we can nevertheless attribute a part of the result to the soundness of the principle of mutuality on which the founders of the institution established it. The union was created under conditions of difficulty that could not be surpassed in any other portion of the country. In the first place, Brussels is a great centre of population. Now, it is just in the great centres of population that the solvency of individuals is in general least easy to prove. Secondly, the union commenced its operations in the month of June, 1848, at the height of the crisis. Thirdly, the shareholders of the union, for the most part shopkeepers, had not often any other material guarantee to offer than merchandise of a value susceptible of great fluctuations; and yet, as the results show, the institution has gone on from success to success. The Union of Credit finds itself to-day placed among the best financial institutions known, and it is one, the principle of which the future will consecrate.

Let us remark, in conclusion, that through the previous investigation and the permanent supervision of the solvency of the shareholders by all the other members or associates, the collective guarantee given to the creditors of the union, is not exposed in fact to any serious risk; and nevertheless, as respects the creditors of the institution, the principle of mutuality on which it rests, raises the solvency of the individual signature of each shareholder to the height of the collective solvency which, for the Union of Credit at Brussels, had reached, on the 31st of December 1861, 20,605,300 francs.

The Union of Credit at Brussels is a bank brought back to the true banking business—that of an agency for labour and capital, a disinterested third party between those who offer and those who require capital; guaranteeing to the one that the credit allowed them shall not be called in as long as their solvency exists; guaranteeing to the others the payment of their interest, and the certainty of reimbursement at the expiration of the loan; and excluding from the operations of the bank all idea of gain, of speculative risk, or of profits to be realized for the benefit of sleeping partners, to the detriment either of the lenders or of the borrowers.

On the Abolition of the Octrois in Belgium. *By* S. Trasenster, *Professor in the University of Liege.*

In July, 1860, there was carried out in Belgium an economic reform of extreme importance, that of the abolition of the octrois which formed, in 78 *communes*, real lines of internal custom houses.

The author of this great measure, M. Frère-Orban, Minister of Finance, has lately addressed to the Belgian Chambers a report of very interesting nature, on the working of the law of July, 1860, during the year 1861.

I propose, in this note, to sum up briefly the principles of this law and the results that it has produced.

It is known that in Belgium the communes have extensive powers and as the spirit of association is far from being as developed as in England, they labour under very heavy charges to meet all the wants of their municipalities. They must provide the police, maintenance of highways, lighting, and all the works which concern them; the sewers, the embellishments, the harbours, the water supply; also for public education, the building of churches, the fine arts, the relief of the poor, &c.

It follows that the communes must be in the possession of a large income to satisfy all these demands.

They had been authorised to impose taxes on consumption, and the facility of drawing upon this source of revenue had induced the town councils to extend and increase them beyond measure. 136 kinds of merchandise were subjected, in whole or in part, to a system of duties which were ranged under the following heads:—

Entry Duties.
Export Duties.
Transit Duties.
Warehousing Duties.
Duties on the manufacture or raising of certain products within the commune.
Stamp Duties.

These duties were especially levied on articles of general consumption such as meat, fish, bread, coals, eggs, butter, &c.

They required a numerous staff, and consequently considerable expenses of collection, about 13 per cent. on the gross produce.

They were a source of continual vexation at the entrances of the towns, where every one was subject to examination, and most kinds of farm produce had to pay duties—the merchants above all were constantly hindered in their business by the demands of the *octroi*—the manufacturers were often exposed to competition under very unfavourable conditions—the octrois were a temptation to fraud, and consequently a cause of demoralisation. They formed in the midst of the country 78 independent centres, having their lines of custom houses—they created selfish local interests, injured the national unity, and

were often an obstacle to reforms of the tariff and to international treaties.

These evils had been felt for a long time; many plans had been proposed to remedy them, but not one of them came near conciliating the financial interests of the communes with the suppression of the *octrois*, and that without compromising the interests of the state and the free administration of the towns.

Many sensible persons regarded the problem as insoluble, when M. Frère-Orban submitted to the legislature the project, which, after an animated and exhaustive discussion, was embodied with very slight modifications in the law of 16th July, 1860.

Seventy-eight communes, representing a population of 1,223,000 souls, obtained by the octrois a receipt of 13 millions of francs; but as the expense of collection amounted to about a million and a half of francs, the net revenue was in reality eleven and a half millions of francs.

The first condition then to realize, in order to avoid throwing the administration of the towns into confusion, was to assure to them a sum equivalent to the net revenue which they received.

This sum could only be raised on the general taxes of the state, which were paid by the rural communes as well as by those which possessed octrois.

It was necessary then to create a special fund, capable of replacing, for the towns, the resources of which they were deprived, and of suitably indemnifying the rural communes for their share of the taxation constituting this special fund. The towns were to receive eleven and a half millions of francs, besides a supplementary sum for allowances, during three years, to the officials of the *octroi*, who should not be employed in other offices. The country districts were to receive also a certain sum, of which the minimum was to be determined.

These were the three important questions to resolve:—

1. To choose the nature of the taxes which were to constitute the communal fund, without compromising the finances of the state.
2. To fix the amount of this fund.
3. To find a basis for its distribution among the different communes of the country.

The communal fund being destined to replace indirect taxation, it was natural to seek the necessary resources in taxes on consumption, especially as this is much less subject to taxation in Belgium than in other countries. Thus, according to the report of the Minister of Finance submitted to the Belgian Chambers, in England the taxes on consumption furnished 71 per cent. of the revenue (1858), while real and personal property only paid 29 per cent. In France the proportion is 45 to 55 per cent., and in Belgium only 39 to 61 per cent.

The law of 1860 constitutes the communal fund in the following way:—

1. Of a part of the produce of the general taxes, which the state

gives up to the communes (portions of the postal revenue, and of the taxes on coffee and sugar), representing at the time of the debate on the law 4,500,000 francs.

2. Of the produce of the increase of the excise, and of the transformation of the duties of the *octroi* into duties of excise on wine, foreign brandy, native brandy, beer, and sugar, for a sum of ten millions and a half of francs.

Thus, by creating new resources, amounting to ten and a half millions of francs, and abolishing the *octrois*, of which the gross produce, including the cost of collection, amounted to thirteen millions of francs, the tax-payers were relieved to the extent of two millions and a half of francs.

The total revenue, comprising the new taxes and the state taxes given up to the communes, is then fifteen millions of francs, the *minimum* guaranteed to the communes up to the 31st December, 1861. This *minimum* was in reality exceeded even in 1861, and produced in the first year the sum of 15,253,570 francs.

But how to divide this sum among the different communes?

It was necessary to find a principle which might apply to all communes, and to adopt temporary measures for those communes where *octroi* existed.

It was necessary that the principle of division, in order to be equitable, should correspond with the proportion in which the localities contributed to the taxes which constitute the communal fund. A direct computation was impossible. M. Frère-Orban, in searching, by numerous comparisons, for a relation between the importance of consumption and of other matters easy to value, discovered that one arrived at a satisfactory conclusion in dividing the communal fund in proportion to the amount of the land-tax on house property, of personal taxes, and of duties on patents.

As a transitory measure, and in order not to injure interests which it was necessary to preserve, lest the execution of the law should be made impossible, the law granted to the towns a minimum equal to the net product of the *octroi* in 1859.

This arrangement leaves temporarily to the great towns a sum larger than that which would actually come to them from the communal fund according to the principles adopted. This is an indemnity for the abolition of the right of *octroi* to their prejudice, and still leaves them obliged to have recourse to direct taxation, to eke out, during the transition, the fixed amount of their portion of the fund. The expenses of towns increase with the growth of population, and in order to meet this increase, revenue must be created by recourse solely to direct taxes. This is a difficulty in the beginning, for we are little accustomed to these taxes in Belgium, but they will compel the corporations to an enlightened and prudent management; and the sums required, being only a small fraction of the actual budgets, can be obtained without serious difficulty.

The inhabitants of the country districts after all, in spite of the larger portion allotted temporarily to the towns, profit largely by the

abolition of the octrois. They are relieved of the charges and vexations of every kind which awaited them at the entry of the towns. Besides this, they receive directly, from 1861, 3,265,000 francs from the communal fund; and this share will go on increasing every year, whilst their contributive share is valued altogether at 3,500,000 francs. Finally, there is a great benefit to the rural communes in the increase of revenue which results to them from the abolition of the octroi. Most of them experienced enormous difficulties in meeting the wants of their local maintenance of highways and primary instruction.

Thus, as is stated in the report of the Minister of Finance, the allocation of more than 3 millions of francs (or the fourth of their ordinary income) which they have received in 1861, has enabled them to reduce the personal contributions by 850,000 francs, and, on the other hand, to augment the sums set apart for the objects of primary instruction and maintenance of highways by 1,850,000 francs, or 28 per cent. The normal increase would not have exceeded 6 per cent. "The creation of the communal fund, then," says the report, "has effected, not only the reduction of the personal contributions, but has given to the two objects which contribute most to the improvement of the moral and material condition of the rural population, all the extension permitted by a supplementary credit of 1,450,000 francs, that is to say, 22 per cent. beyond the normal increase."

In a great number of communes, works of public utility which for a long time had been projected, and continually postponed for want of resources sufficient for their execution, have been undertaken, and the expenses have been defrayed partly by the ordinary revenues, partly by means of loans, which the favourable situation of the revenues has permitted them to raise, with the aid of the Society of Communal Credit.

The abolition of the octrois, in spite of the difficulties with which it was surrounded, has then been happily accomplished, without causing any serious derangement in the finances of the towns, and at the same time has procured great benefits for the country districts.

As the report, which I have several times quoted, justly says, this reform may be summed up in these terms :—

"Total and immediate suppression of the hindrances to freedom of intercourse and of internal commerce."

"Relief for the nation from two to three millions of taxes—substitution for taxes levied on articles of first necessity, of which the greater part were for agricultural products, of taxes levied on articles of less general consumption. The creation, by help of these taxes, of an increasing revenue for all the communes of the kingdom."

"Gradual diminution of an unjust charge, pressing without compensation on the country districts for the profit of the towns, instead of a continual increase of this charge."

Such are the remarkable results of a measure which is a title of honour for the eminent statesman who has accomplished it. These results will no doubt interest economists, and the representatives of countries where octroi duties still exist.

*The Brussels Tribunal of Commerce.** *By* CORR VANDER MAEREN.

AT the Dublin meeting of this Association, I produced a paper in which I endeavoured to give some information upon the practical working of the bankruptcy laws of Belgium. I promised upon that occasion to complete my observations by bringing before this Section some statistical information, relating especially to the Tribunal of Commerce of Brussels, of which I am a judge: my present object is to redeem that promise.

The tribunals of commerce are not, as I often hear it said in this country, mere chambers of arbitration; they are royal compulsory courts of justice, possessing jurisdiction and executive power equal to the highest court in the state, the tribunals of commerce in Belgium are alone competent to take cognisance of disputes between any parties relative to acts of commerce, of whatever nature or importance they may be. In Belgium, none but traders can be declared bankrupt, wherefore it is that all cases of bankruptcy and insolvency must come before this court; or, in other words, we have a special Court of Commerce in general, but we have no special Court of Bankruptcy. The judges of the tribunals of commerce are elected by the principal merchants of the city, and they are invested with their office by royal decree. The conditions of eligibility are, to be a Belgian, to be thirty years of age, and to have been engaged in trade with honour and success during at least five years; but it is not necessary to be actually engaged in trade. The nomination is for two years, and the judges are not re-eligible. Their laborious functions are purely honorary; to form a tribunal it requires at least two judges besides the president; the commercial judges are assisted by a registrar, who is a consummate lawyer, and whose duty it is to guide them in points of law and jurisprudence. This court disposes finally, without appeal, of all cases under £80: beyond that sum, cases may be carried to the ordinary court of appeal.

The tribunal of commerce is in its nature conciliatory. It is in that spirit that, during the sittings, a judge is in attendance in an adjacent room, which we call "*la chambre de conciliation;*" parties who agree voluntarily either to submit their case to his arbitration, or to try, through his interference, to settle their disputes, are referred to this judge, who acts, in fact, as an official peacemaker. If he does not succeed in his efforts to avoid litigation by a settlement between the hostile parties, they go back before the court, where their suit is continued. Parties who do not wish to attend themselves may delegate any person to represent them before the court of commerce, but in practice it may be said that all the transactions and pleadings are carried on by lawyers.

To give you an idea of the importance of the labours of the Brussels

* See *Transactions*, 1861, page 764.

Court of Commerce, I shall quote a few figures which I extract from the last yearly report of the President, Monsieur de Bevay. The total number of cases brought before the tribunal of Brussels during the interval between the 15th August, 1860, and the same date 1861, was 5591.

This number was composed as follows:—

1st. Cases which remained to be heard on the 15th August, 1860, *i.e.*, at the close of the preceding year	130
2nd. Cases reintroduced, which had been erased from the roll	354
3rd. Cases pursued in opposition to judgments decreed by default in the preceding year	96
4th. Cases introduced during the year:—	
(1.) Between traders	4543
(2.) Between traders and non-traders	468
Total cases	5591

These 5591 cases were disposed of as follows:—

Final judgments after hearing	781
Judgments subject to appeal	562
Total of judgments in defended cases	1343
Judgments by default	3345
Cases settled in *la chambre de conciliation*	321
Cases erased from the roll for non-appearance of the parties	457
Cases remaining to be heard on the 15th August, 1861	125
Total	5591

As is shown by the above figures, of the 5591 cases introduced, 1343, or 22 per cent., were heard and disposed of; and all these judgments were given, with very rare exceptions, at the sitting immediately following the one in which the case was heard. Of the 1343, 526, being for a demand exceeding £80, were subject to appeal; only 82 of those cases were brought before the High Court of Appeal, and their fate before that court were as follows:—

Judgments confirmed (1) after hearing	25
„ „ (2) by default	1
	26
„ reversed entirely	7
„ reversed in part	5
Cases settled by parties desisting	13
Remaining to be heard on the 15th August, 1861	31
Total	82

Thus, out of 38 cases in which judgments were given on appeal, in 26 the judgment of the court of commerce was confirmed entirely, in 5 it was confirmed in part, and in 7 only it was reversed entirely.

In most cases the judgments of the tribunal of commerce contain an order of incarceration, and it may be interesting to give some idea of the state of our law of imprisonment for debt. The severity of the *Code Napoléon*,—which was perhaps justifiable at the time it was promulgated, when society in France was still under the impression of revolutionary violence, and the trading community required, above all others, to be restored to confidence by stringent laws,—was considered to be unsuited to the present times: we therefore modified it by a law dated the 21st March, 1859. This law provides that only debts contracted by parties performing acts of commerce subject those who contract them to imprisonment for debt. Even of these, debts under £8 (200 francs) do not subject the debtor to be imprisoned; but the judge has the power to condemn to prison in order to enforce the payment of any commercial debt above £8, and not exceeding £24 (600 francs); and above that sum all commercial debts subject the debtor to be incarcerated.

After three months' imprisonment the debtor may obtain his liberation by paying or depositing one-third of the amount due by him, and giving bail or guarantee for the two-thirds remaining. After twelve months he may obtain his liberty by proving that he has absolutely no means of paying the debt. Imprisonment for debt cannot in any case exceed five years: after that period it ceases of right. It also ceases when a debtor has attained the age of 76 years, nor can it be applied to debtors who are of that age. The creditor who puts his debtor in prison is obliged to pay for his keeping, 30 francs (24*s.*) per month. These enactments have considerably mitigated the severity of the *Code Napoléon.*

The great value of the tribunal of commerce is to secure a readier, cheaper, and shorter mode of determining questions arising out of commercial transactions. I shall give you in a few words an example. I shall take the plain case of a party who wishes to enforce the payment of £50 due to him for goods delivered. He sues his debtor before the Monday's sitting of the tribunal. The case is argued: the following Thursday the judgment is pronounced, and a writ of imprisonment is obtained against the debtor. So much for the time required to obtain a writ; the costs are as follows:—

	£	*s.*	*d.*
Serving a summons	0	5	6
Procuration given to the lawyer	0	2	1
Inscription on the roll of the court	0	3	7
Expedition, or office copy, of judgment	1	18	0
Serving the writ or judgment on the party, being the last notice to pay before incarceration	0	8	0
Total cost of obtaining a judgment and bringing your debtor to the prison door	£2	17	2

The costs are the same, whatever may be the sum sued for, excepting the registration, which varies according to the amount and nature of the debt. The case which I give here as an example is a plain one; in many their are complications either inherent in the case, or raised by technical skill, which occupy much more time.

The law of imprisonment which I mentioned refers, of course, only to enforcing the payment of simple commercial debts; in cases of bankruptcy the tribunal of commerce may, where any fraud is visible or suspected, order the incarceration of the bankrupt, but those latter cases come more under the competency of repressive or criminal justice. The assignee, under the guidance of the judge, reports regularly to the attorney-general, whose duty it is to leave no fraud unpunished.

The bankruptcy cases are dealt with in a plain practical manner. The tribunal names an official assignee (in cases of importance more than one may be named) who is put in possession of all the assets and affairs of the bankrupt; he is charged with the final winding up of the concern, under the immediate and constant direction of one of the judges, specially delegated for that purpose by judgment of the court. Those two officials form, under the sanction and responsibility of the court, the entire machinery by which all bankruptcies are worked in all their stages.

During the year 1860–61, the court of Brussels declared eighty-two bankruptcies.

These originated as follows:—

By petition of the debtor himself	44
By petition of creditors	22
By the official initiative of the court	16
Total	82

I doubt whether there exists any trading community on the whole so prudent and so safe in their transactions as the people of Belgium. This fact is proved beyond doubt by the general statistics of the bankruptcy cases in that country. Of the numerous bankruptcies declared, one would hardly find five per cent. which are of sufficient importance to be classed as belonging to the commercial community: they almost exclusively belong to the class of little shopkeepers, established without capital, and struggling with the support of the small credits which they are able to obtain from the wholesale houses. The failure of a large commercial firm is a very rare case indeed in Belgium.

From the eighty-two bankruptcies declared last year at Brussels, I choose a few of the most important of those which were confided to my care as *Juge-Commissaire*—they are the following:—

Trade.	Liabilities.	Net Assets.	Total Cost.		Observations.
			Sundries.	Assignees' Costs.	
	£	£	£	£	
1. Silk Trade.	6,500	1,120	23	75	Declared not excusable.
2. House Furniture.	4,000	6,620	48	88	Excusable.
3. Timber Trade.	750	480	27	38	Excusable.
4. Hardware.	2,850	550	22	60	Not excusable.
5. Cloth.	1,200	1,172	62	100	One partner condemned to twelve months' imprisonment, the other excusable.
6. Iron.	9,200	1,230	130	80	Not excusable.
7. Pocket-Books and articles in Leather	2,880	508	86	44	Condemned by contumacy to five years' hard labour.
8. Wine.	2,320	665	108	112	Composition, by promise to pay 35 per cent., in annual instalments of 5 per cent.

The bankrupt, whether he gets his certificate or not, can never be freed from his debts without the consent of his creditors. After his affairs are wound up, he still remains liable to be sued for the unpaid portion of the debts which he contracted before his bankruptcy. If, however, he is declared *excusable*, he ceases to be subject to imprisonment for those debts. A *concordat*, or arrangement, of course frees him from his debts after he has executed the contract entered into between him and his creditors. To obtain a *concordat* his propositions must be accepted by a majority in number, and three-fourths in amount, of his creditors, and must be sanctioned by a judgment of the court.

It appears almost impossible for tribunals of commerce, composed exclusively of commercial men, such as I have tried to describe, to work in a country where the laws are not consolidated, or codified as we have them in Belgium, where that immortal book of laws called the *Code Napoléon* is in full force. Those laws are of course modified from time to time if considered necessary, but their admirable *ensemble*, their clearness of expression, and their perfect method of division enable us merchants to acquire in one division of it, the *Code de Commerce*, which we can obtain in a separate form for sixpence, a sufficient knowledge of commercial law to make us fit to perform our duties in a tribunal of commerce.

I certainly never could make myself fit for such duties under the English law. I have occasionally tried to examine some points of it, and I found it written in a language which I cannot even understand. This, however, may be due in part to my imperfect knowledge of the

English language. But if, as I said in Dublin, every country had thus a fixed code of commerce, the trader would be able to obtain the means of acquiring some knowledge of the laws which govern his operations, as a guide in his transactions, not only in his own country, but also in those foreign countries with which he might have mercantile relations; and commercial law would no longer be the exclusive monopoly of lawyers.

FOREIGN AND COLONIAL TRADE.

Foreign Inspectorate of Chinese Maritime Customs. By D. J. MACGOWAN, M.D.

THE anomalous character of the relations subsisting between China and the Western Powers, the result of usurpation on our part, formed the subject of a communication which I had the honour of submitting to the international section of this Association at its meeting last year in Dublin. In that paper I endeavoured to show that the abdication of sovereignty imposed on China by our extra-territoriality was a source of suffering to the country, and demanded from the Treaty Powers the establishment of a mixed tribunal, in addition to the existing consular system, for the protection of the Chinese. The experience of another year is confirmatory of the necessity of remedies for our disregard of international law as regards China. Japan, happily, is at present sufficiently strong to render comparatively innocuous this exception to the principle, that the *lex loci* should govern the action of resident foreigners. But the weakness and venality of China invite continual interference in the administration of her internal affairs, and, as might be expected, there exists on the part of some European statesmen an increasing disposition for further encroachment, whose ultimate object is the government of that empire by a mixed foreign commission. The concession of extra-territoriality by the Chinese government was followed by the transference to Europeans of the control of its maritime customs; and as all the important sea and inland ports have been thrown open, and the traffic has fallen mainly into foreign hands, it is obvious that this additional relinquishment of authority can hardly fail to be attended with grave consequences. One of the provisions of the Treaty of Nanking, negotiated by Great Britain in 1842, required of British consuls a degree of inspectorship, designed to assist Chinese custom-house officers in protecting the Imperial customs from frauds on the part of British subjects; but the other Treaty Powers, the United States and France, having made no such stipulation, the self-imposed task of the British authorities was not long acted on. If, however,

the United States and France had concurred in affording aid to the Chinese revenue officers, the merchants of non-treaty Powers would soon have rendered the regulations nugatory. The appointment of merchants to the consular office by the non-treaty States rendered impartiality in the administration of the Custom-house wholly impracticable, owing to the extreme dishonesty of the Chinese officials. Although the tariff was one of the most liberal in the world, smuggling became so rife as not only to diminish greatly the Imperial revenue, and to injure the honourable merchant, but to foster piracy, which could only be repressed by foreign intervention. Piracy, checked by the activity of British cruisers, sought employment on land, laid siege to and captured Shanghai, and thereby put an end to Custom-house authority altogether. For several months no dues whatever were levied. To correct this state of things, Mr. Consul Alcock devised as a temporary remedy a foreign inspectorate of the Custom-house; and with the concurrence of his colleagues, the Consuls of the United States and France, a board of foreign inspectors was organized, its members being nominated by the consuls, but appointed and paid by the Chinese Superintendent of Customs. These inspectors, aided by a staff of linguists, tide-waiters, &c., assumed control of the Customs of the port. The project encountered much opposition from natives and foreigners, whose pecuniary interests suffered by the sudden suppression of fraudulent practices; but it found favour with the leading merchants and the Shanghai Chamber of Commerce. It became firmly established and highly useful, the Imperial revenue increasing above a million of dollars at the port of Shanghai; while the commerce of the port derived advantage from the change, a liberal sum having been appropriated from these savings to improve the navigation of the Yangeze river. Subsequently a complaint was urged against the system, that it was restricted to the port of Shanghai, whose merchants suffered an unfair competition with those in the other ports, where cheating and smuggling were still encouraged by the mandarins. It was restricted to Shanghai from its origin in 1854 until the late treaty at Tien-tsin, when arrangements were made by, or with the concurrence of, the allied ambassadors, for its extension to all the maritime and inland ports opened by that treaty to foreign commerce—or, in other words, throughout the empire.

At the same time, however, the demi-official relation which the Inspectorate bore to the foreign diplomatic body was severed: the inspectors are no longer nominated by the ambassadors, which is an improvement. Thus, the Chinese government has been provided with an efficient and honest administration for an important department, through which a difficulty otherwise insuperable has been overcome. It has met a want that exists through all the departments of the Imperial service, and there are not wanting those who will urge the admission of foreigners, to such an extent as to accomplish virtually the contemplated subjugation of the empire.

Latterly, the Foreign Inspectorate has become extremely unpopular with merchants generally, and recently British merchants, through

their Chambers of Commerce, have memorialized Earl Russell against it, as prejudicial to their interests; but, as the complaints are directed rather against the administration of the inspectorate than against the system itself, we must regard it as an accepted remedy for an acknowledged evil, so far as concerns the present interests of foreign merchants. It must be admitted, also, that not only are the duties fairly and fully collected from all alike, but the vigilance and energy of the foreign Custom-house officials have served to check the growth of piracy, and to secure for navigators the advantage of beacons, lightships, and the like, which could not be easily obtained from the native authorities. As respects the Chinese, the innovation was regarded with indifference, except by those immediately affected by it; so devoid are they of any sense of patriotism and nationality. If we could regard the foreign inspectorship as a temporary institution, one aiming to fit the Chinese themselves for the honest and efficient discharge of the duty of collecting the Customs dues, we should have no objections to urge against it; but we confess to apprehension that it is likely to become permanent and powerful—a lever for further interference in the domestic concerns of China. In the case of rebellion, it almost necessitates interference. Neutrality in civil war is scarcely possible, when the revenue officers, commanding armed vessels, are foreigners, enjoying the protection of their respective countries; and when—as is the case at present—there is raging a rebellion against an effete foreign dynasty, we are in danger of confronting the whole Chinese race. Having become protectors of the inspectors, we may eventually be compelled to extend protection to the Government in all its departments, or, in other words, to assume the control of the empire. The degree of interference which has already met with general sanction, seems artfully adapted to promote the objects of those who aim at territorial aggrandizement and political ascendancy in that distracted country. This is antagonistic to mercantile and manufacturing interests, which can be best promoted by measures which tend to make the Chinese a self-reliant, independent, and vigorous government. How far their delivery of the control of the Custom-houses and revenue vessels into foreign hands may contribute to this end, I do not presume to say: the existence of the inspectorate, however, like the relinquishment of jurisdiction over resident foreigners, demands a strict surveillance on the part of those who are solicitous for the welfare and independence of this truly classic empire.

A Concise Account of the Colony of South Australia, compiled from Official Data, brought down to the end of 1861. *By* FRANCIS S. DUTTON, *Commissioner for South Australia.*

SOUTH Australia is one of the six separate and distinct colonies into which the inhabited part of Australia, and the smaller but adjoining island called Tasmania, is divided. The territory embraces an area of about two hundred millions of acres, of which about 2,200,000 acres

have already been alienated by sale. The capital of South Australia is Adelaide, in latitude 35° S., with a population of about 15,000 inhabitants; it is six and a half miles distant from the sea, with which it is connected by railroad. The census returns of 1861 give a total number of inhabitants in the colony in that year of 131,667, of whom 68,155 were males, and 63,508 females, showing a very favourable equality of the sexes. The number of births registered during 1861, was 5551, in nearly equal proportion of sexes. The deaths registered in the same year, were 1955. The marriages solemnized in 1861 amounted to 1100.

The industrial pursuits are chiefly agriculture, pastoral pursuits, mining, wine-growing.

Agriculture.—In the year 1861, there were 428,816 acres of land under cultivation; and 1,151,176 acres enclosed, but not yet cultivated. Of the land under cultivation, there were planted with wheat, 273,672 acres; barley, 11,336 acres; oats, 2,273 acres; maize, 32 acres; green forage, potatoes, and other vegetables, orchards and vineyards, and land lying fallow, 141,503 acres;—Total 428,816 acres.

The produce in 1861 was as follows:—wheat, 3,573,234 bushels; barley, 188,198 bushels; oats and maize, 53,300 bushels; hay, 71,027 tons; potatoes, 7,110 tons; wine, 182,087 gallons; grapes (eating), 23,398 cwt.

The average produce per acre was, wheat, 13 bushels; barley, 16 bushels; oats, 23 bushels; hay, 23 cwt.; potatoes, 60 cwt. The wheat reaped by machine (Ridley's invention) was 180,366 acres; by hand, 91,920 acres. There are 76 steam-mills in the colony, of an aggregate of 1078 horse-power. In the South Australian court at the International Exhibition, the heaviest samples of wheat weighed 68 lbs. 1 oz. to the imperial bushel!

2. Pastoral Pursuits.—About 30,000 square miles of country are occupied for pastoral pursuits, supporting the following quantities of stock (1860):—Sheep and lambs, 2,800,000; horned cattle, 278,000; horses, 50,000; pigs and goats, 65,000; poultry of all sorts, 315,000.

3. Mining Pursuits.—There are twenty mines at present in work, principally producing copper and a little lead, and argentiferous galena; the yearly produce is enumerated in the list of exports.

4. Wine-Growing is rapidly becoming a most important branch of industry, the climate and soil being all that could be desired: 3180 acres are already planted with 3,800,000 vines, of which about one-half are in bearing, producing 200,000 gallons of wine, besides 1000 tons of table grapes.

Other Pursuits.—Mercantile establishments, 189; professional pursuits, 176; tradespeople of all sorts, 1150; manufacturers of all sorts, 560.

The South Australian court at the International Exhibition, in addition to the samples of wheat already mentioned, contained extensive series of samples of fine flour from the steam-mills of South Australia; large collections of copper and lead ores from the mines;

samples of wool, and samples of wine from thirty different vineyards; besides a variety of other articles of produce.

The combined import and export trade in 1860, represented the annual sum of nearly three and a half millions sterling.

The imports from different countries were as follows—		The exports were—	
United Kingdom	£939,345	United Kingdom	£783,898
British colonies	645,000	British colonies	1,000,000
Foreign countries	55,000	Foreign countries	250
	£1,639,345		£1,784,148

This trade gave employment to 328 British ships of 92,684 tons, and 29 foreign ships, of 12,585 tons, for the inward trade; and 335 British ships, of 97,594 tons, and 35 foreign ships, of 15,195 tons, for the export trade.

The exports, the produce of the colony in 1860, were as follows:—

Breadstuffs, grain, &c.	£499,102
Fine copper, and copper ores	446,537
Wool, 11,731,371 lbs.	573,368
Miscellaneous	57,319
	£1,576,326

When it is borne in mind that the total adult male population falls short of 30,000, we arrive at the astonishing result, that, in the twenty-sixth year of its existence, we are exporting from South Australia over £50 worth per head for each *male adult*, after retaining sufficient for our own requirements—a result which may fairly challenge comparison with the progress made by any country in the world of which authentic records exist.

Four banks supply the circulating medium for the trade of the colony, the aggregate average circulation of notes during the year being about £250,000, and the aggregate average amount of coin held by the four banks being £300,000. In 1848 a savings' bank was established, which now numbers 2567 depositors, to whose credit balances amounting to £89,000 stood at the end of 1860. This amount is invested in mortgages at seven and a half per cent. interest, £46,520, and in government securities bearing six per cent. interest, £17,054, the balance being held in cash deposits at the banks to meet withdrawals.

In 1860 there were 210 licensed schools, of which 131 were conducted by schoolmasters and 79 by schoolmistresses. The government paid stipends to these schools in 1860 amounting to £15,121, and the teachers received in addition, from the parents of the children, the sum of £10,755, on a scale of fees authorized by the Board of Education. The average cost of the education of each child is—paid by government, £1 5s. 3d. per head, paid by parents, £1 3s. 10d. per head; total, £2 9s. 1d. The total number of scholars attending these schools, amounted in 1861 to 10,711—being 5811 boys and 4900 girls. No

religious instruction of a denominational character is permitted during school hours in the government schools.

There are 527 places of worship in the colony, providing sittings for 64,000 people; there are 283 Sunday schools, with 2297 teachers and 16,319 scholars.

There is no state church in South Australia, all places of worship being built, and the ministers supported, by voluntary contributions; the census returns give the following numbers as belonging to the ten principal denominations of Christians:—Church of England, 43,587; Roman Catholics, 15,594; Wesleyan Methodists, 14,322; German Lutherans, 11,235; Independents, 6268; Church of Scotland, 4821; Bible Christians, 4216; Free Church of Scotland, 4137; Primitive Methodists, 3672; Baptists, 3424, &c. There is recently built in Adelaide a fine institute and public library, and various learned societies hold their meetings there.

Criminal statistics are happily distinguished by the absence of serious offences: the magistrates heard during 1860, 3364 cases, being 568 less than the year before; of these, 903 (or 330 less than in the previous year) were for charges of drunkenness; this vice is, I am happy to say, very considerably on the decrease. There were only sixty-eight convictions for felonies; all the other cases were for minor offences; 540 cases were dismissed. From 1850 to 1861, no white man has been executed in the colony.

There were 192 miles of metalled road completed in the colony in 1860, at a cost of £594,000. Some of these roads cross steep mountain ranges on an easy ascent, and reflect great credit on the engineering skill employed. A railroad connects Adelaide with Port Adelaide on the sea-coast, a distance of seven and a half miles, and is extended northwards as far as Kapunda, a distance of forty-eight and a half miles, or fifty-six miles in all. The average cost has been £13,560 per mile.

The number of passengers carried per annum is about 400,000, and 150,000 tons of goods. The revenue for passengers is £25,000; for goods £31,000; total, £56,000. The expenditure is £43,636 per annum.

Telegraphic communication is established with all the principal cities and towns in the neighbouring colonies of Victoria and New South Wales, and now reaches Queen's Land and most of the townships in the settled districts of South Australia: 654 miles of wire were in operation within the colony in 1860, which transmitted 72,000 messages. In 1861 there were 914½ miles of wire opened, transmitting 76,709 messages, and producing a revenue of £7382. All railways and telegraphs are constructed by the government, and the revenue derived therefrom is part of the public revenue of the province, and is annually appropriated in the estimates by the parliament.

The city of Adelaide is supplied, on the gravitation principle, with an unlimited quantity and constant supply of water, at high pressure. It is brought about ten miles, from the hills, at a cost of £250,000. A reservoir, at the mouth of the gorge leading into the hills, contains

one hundred and fifty million gallons, sufficient to supply the city for six months, and this reservoir is kept constantly full by an uninterrupted influx of water of the best quality. The height of the reservoir above the highest point of the city is one hundred and fifty feet, and 1000 fire-plugs have been fixed for the protection of the city in the various streets. Public baths and numerous drinking fountains are now established in Adelaide; and the botanical garden of thirty acres is supplied with fountains from the same source.

The climate of South Australia, like that of the other colonies on the southern and eastern seaboard of Australia, is essentially a very healthy one. The summer months of January and February are sometimes unpleasantly hot, but this is never of long duration, and certain to be followed by many days of pleasant warmth, tempered by the sea-breeze. Great pains are bestowed by the statistical department of the government, in the annual preparation of detailed tables, showing the meteorological variations of the atmosphere, morning and evening, for each day in the year, as well as the fall of rain, direction and force of the prevailing winds. The most violent winds come from the N.W., changing to W. and S.W. The hot winds are always from the N.E. and N., and immediately become cool, when the direction changes to W. and S.W.

One company of the 40th regiment constitutes the entire strength of Queen's troops in the colony; viz., four officers, eight non-commissioned officers, and sixty privates. The colony pays colonial allowances to both officers and men.

A thoroughly well-organized and well-equipped volunteer force exists in South Australia; viz —cavalry, thirty-one; artillery, seventy-one; riflemen, armed with the Enfield rifle, 1423; total, 1525 of all arms, including officers.

Besides the above, there is a militia force, liable to be called out for service in case of necessity, under Act No. 9 of 1854, amounting to 14,330 men.

The revenue voted by parliament for the year 1860, amounted to £438,827 2s. 3d.

The following are some of the principal items of revenue:—Produce of the sale of crown lands, £147,631; customs, £120,535; rents of crown lands, £32,332; assessment on stock grazed on crown lands, £25,462; public-house licences, £14,056; postages, £14,582; fines and fees of court throughout the province, £15,671; revenue from railways (gross), £43,893; do. from telegraphs, £7300.

The expenditure of every department of government is annually voted by parliament.

The expenditure for 1860 was £492,656. The apparent excess of expenditure over revenue for that year being covered by balances to the credit of the Treasury at the end of 1859.

The following are some of the principal items of expenditure:—civil list granted to her Majesty, £14,800; establishments for carrying on the total machinery of administration, £206,667; pensions, £4556; expenditure on works and buildings, roads, streets, and

bridges, £128,696; interest and redemption fund of loan for public works, £67,315; for introducing immigrants from Great Britain, £21,271.

The government consists of—1. the governor, who is appointed by the Queen, being the only officer appointed by the home government; 2. a ministry, consisting of five members of the parliament who form the executive council; and 3. the parliament itself, which is composed of an upper house of eighteen members, and a house of assembly of thirty-six members.

THE UPPER HOUSE (or Legislative Council) is elected by the whole colony voting as one district, for twelve years; one-third of the members retiring every four years. The qualification of a member is merely that he must be thirty years of age, and a resident for three years. That of the voter is, enrolment for six months, and to be a freeholder of £50 value, or leaseholder of £20 value.

THE HOUSE OF ASSEMBLY is elected for three years: no qualification is required, either for members or electors, beyond being twenty-one years of age, and having been on the roll for six months.

The President of the former, and the Speaker of the latter, are elected by the members of each house.

Elections for both houses are conducted by ballot.

All money bills must originate in the House of Assembly, and the whole form of parliamentary proceeding is strictly analogous to that of the British parliament, our standing orders being copied from those of the latter, only modified, or altered where necessary, to meet the circumstances of the colony. The ministry, for the time being, can only retain office so long as they have a working majority in parliament.

In concluding this paper, I would say that South Australia has within itself all the elements of becoming in process of time a great nation. We have a fine climate, a good geographical position, and unbounded resources of material wealth. Population is our great want; with population, no limit can be placed to the advancement of the colony in the scale of nations.

The Productiveness of the Southern States of America. By JOHN B. HOPKINS.

THE area of the Southern States is equal to 1,094,571 square miles. Putting aside the Border States, now held by military occupation, the Confederate States—having an area of 833,144 square miles—are rather more than seven times larger than the United Kingdom. Alabama and Florida are severally as large as England. Texas is nearly five times as large as England; and this vast area does not include sterile wastes and arid deserts. The proportion of unprofitable land is unsurpassably small. The uncultivated lands teem with latent plenty, and only wait for the labour of man to yield abundant harvests.

The population of the Southern States is about fourteen millions. Unfortunately, the census for 1860 has not been published, and therefore I can only give the probable population. The population of the territory under the sway of the Confederate government has been variously stated. I estimate it at ten millions and a half, of which seven millions are whites, and rather less than three millions and a half are negroes. Two hundred millions must be added to the population of the Southern States before it equals in density the present population of the United Kingdom.

I need not dwell on the variety of climate in the South. Since the commencement of the war, the South has supplied itself with rice, and can, and does, produce all the necessaries and many of the luxuries of life abundantly, and in a high degree of perfection. It has been supposed, because the South grows so much cotton that she produces little else. It has further been assumed that the South depended on the North for its supplies of grain and other articles of food. These conclusions are completely false, as I propose to show by a reference to the United States' census for 1850, and in doing so I must remark, that the absolute and relative productiveness of the South has wonderfully increased in the last twelve years.

In 1850, the population of the South was nine millions and a half, and that of the North and West thirteen millions and a half. In that year the South produced grains which constitute food to the value of 307,328,112 dollars; of other produce, not including cotton, 46,305,950 dollars; value of slaughtered animals, 54,398,015 dollars; giving a total value of 408,030,077 dollars. The North and West produced in grains which constitute food, to the value of 305,769,963 dollars—that is, 1,557,149 dollars less than the South; but, allowing for the difference of population, the North and West produced of grains which constitute food, nearly 50 per cent. less than the South. The consumption per head of bread-stuffs in the North and West is equal to, if not rather in excess of, the consumption per head in the South. What, then, becomes of the surplus of the South, or how is the Northern deficiency supplied? Instead of the South being dependent on the North, the latter receives sufficient from the former to supply its deficiency for home consumption, and to enable it to do a considerable export trade in grain and flour. Of other agricultural products, the North and West raised, in 1850, to the value of 178,904,527 dollars, being 132,600,577 dollars more than the South, which, even allowing for the difference of population, is a large excess. Hay is included in this return, of which the Northern and Western production was valued at 127,008,580 dollars, and the Southern at 11,377,846 dollars. At the same time, the number of live stock in the South was 40,823,727, and in the other sections, 36,409,134. That is, the value of hay in the North exceeded the value of hay in the South by 132,600,577 dollars; whilst the South had 4,414,000 head of live stock more than the North. Animals in the South do not eat less than in the North, but in the South there is no need to make hay, in consequence of the

continued mildness of the seasons and unceasing verdure. Hay ought not to be estimated as wealth by the Northern States. The necessity of haymaking is a heavy tax upon Northern labour, which the South escapes. Deducting, then, from both sides the value of hay crops, the agricultural produce (excluding grains which constitute food) of the South was 34,426,104 dollars, and of the North and West, 46,303,950 dollars. Correcting these results by population, it makes the return of North and West deficient by about 16,000,000 dollars. The value of animals slaughtered in the North and West was 56,990,237 dollars, being 2,592,222 dollars more than the South. Correcting these returns by population, the North and West show a comparative deficiency of about 21,000,000 dollars. The total value of the agricultural products of the South (not including cotton) was 408,030,077 dollars; of the North and West, 541,663,717 dollars, being nearly a dollar per head of the population in favour of the South. But these returns are inaccurate until we have deducted the returns of hay, or allowed an equivalent for Southern grass, that needs neither mowing nor storing. Less the hay, the returns are—for the South, 396,652,231 dollars; for the North and West, 409,063,140 dollars, giving for the latter an average of thirty dollars per head, and to the former forty-two dollars per head.

The North is a manufacturing trading country. It has not only done the shipping and brokering of the South, but it has been its bootmaker, its hatter, its tailor, its cabinet-maker, &c. The South, of course, has had to pay an import profit on such things. They have also managed to build 9000 miles of railroad without getting into debt. Slave labour is undeniably the most wasteful of all labour. If white men could be employed on cotton plantations, they would accomplish at least twice as much work as negroes, and the work would be better done. A cotton field, after being picked by negroes, looks white with harvest, and, I am told by planters, the waste is serious. On the other hand, slave labour is economical in consumption. In the South, the remuneration of the labourer does not include the profits of shopkeepers, who are *de facto* non-producers, and stand between the merchant and the consumer. The planter buys his pork, whisky, and tobacco, &c., at the wholesale prices; and in the South, sweet potatoes, melons, and other articles of food, are produced abundantly on land, and with labour that would otherwise remain unemployed.

The United States' exports, in 1859, amounted to 278,392,080 dollars. The following are those of the South:—

	Dollars.
Cotton	161,434,923
Tobacco	21,074,038
Rice	2,207,148
Naval Stores	3,695,474
Sugar	196,735
Molasses	75,699
Hemp	9,227
	188,693,496

Leaving the exports of the North equal to 89,698,584 dollars. That is, with a population nearly 50 per cent. greater, the exports of the North are more than 100 per cent. less than those of the South. If I am asked what becomes of Northern industry, I reply that it finds a market in the South. In 1850, the sales of domestic manufactures to the South exceeded 146,000,000 dollars. Since then the manufactures of the North have risen 50 per cent., and the demand of the South has made equal, if not superior, progress. It is, then, not hazardous to put down the Southern consumption of Northern manufactures in 1859, at 240,000,000 dollars. Still it must not be supposed that the South does not manufacture. According to the census of 1850, the value of Southern manufactures in that year amounted to 164,579,937 dollars. It must also be remembered that high protective duties have given the Northern manufacturers the monopoly of the Southern market.

I now come to Cotton, the great staple of the South. The South is remarkable for the specialty of its products. The Carolina rice has never been reproduced in other parts of the earth. The wheat of Virginia, besides yielding more flour than any other American wheat, has a quality that preserves it sweet in warm climates. So with tobacco. It is grown in the East Indies, in Germany, and but for the excise laws it would be cultivated in England. You get much finer tobacco at Havannah; but Maryland, Virginia, and Kentucky tobaccos suit the taste of the million, and, whatever their price, they command a market. It is precisely the same with cotton; it can be grown in the East Indies, in the West Indies, in Africa, and other places; but, despite the most costly and painstaking experiments, cotton similar to the cotton of the Southern States has not been produced out of the Southern States. But quantity is a still stronger barrier than quality against the world ever becoming independent of the cotton fields of the Southern States. The Southern States alone produce more cotton that they consume. Those who talk about a supply of cotton from India, to compensate for the loss of the supplies from America, do not read or consider those invaluable statistics—trade returns. In 1857, Great Britain received from the United States 654,758,048 pounds of cotton, and shipped to the United States 154,818,134 yards of plain and dyed goods. In the same year Great Britain received 250,338,144 pounds of cotton from the East Indies, and shipped to the East Indies 791,537,041 yards of plain and dyed goods. That is, Great Britain received 150 per cent. more cotton from America than from India, and yet exported five times as much cotton fabric to India as to America. In 1858, our receipts of cotton from India were 132,722,575 pounds, and the same year we sent to India 223,000,000 pounds of cotton fabrics. So that cotton-producing countries, as well as those countries that do not grow cotton, are dependent on the American supplies.

I see no objection to extensive cultivation of cotton in India, or elsewhere; but it appears to me absurd in the last degree to think that it is possible to alter providential arrangements, and I think it is

impossible to avoid the conclusion that the South is the destined cotton field of the world. I say this not only in regard to the quality of cotton produced, or even with regard to its present immense production; but because the productiveness of the Southern States is practically unlimited. The area of the States (North Carolina, South Carolina, Georgia, Florida, Tennessee, Arkansas, Alabama, Mississippi, Louisiana, and Texas) is 452,024,320 acres, and it is estimated that at least half is suitable for the cultivation of cotton. The average production of cotton is 250 pounds per acre. If, then, the whole of the available area was cultivated, it would yield a crop of 56,506,000,000 pounds of cotton. The consumption of cotton in England is not quite ten pounds per head, and in France it is about four pounds per head. One-fifth of the cotton lands of the Southern States, being cultivated, would supply the demands of the whole world, even if the consumption was everywhere equal to our large consumption in England.

INTERNATIONAL LAW.

On International Copyright in Works of Literature, Music, and the Fine Arts. By D. ROBERTON BLAINE, *Barrister-at-Law.*

IT will doubtless be remembered that, in 1858, an International Copyright Congress was held at Brussels. It was attended by many of the most eminent authors and publishers, almost every civilized state being represented upon the occasion; the King of the Belgians, too, being present during some of the discussions, which were continued several days, and resulted in the following resolutions being passed:—

1. The Congress considers that the principle of an international recognition of property in works of literature and art, in favour of their authors, ought to take a place in the legislation of all civilized nations.
2. This principle ought to be admitted from country to country, even in the absence of reciprocity.
3. Foreign authors ought to be placed upon exactly the same footing as native authors.
4. There is no reason for requiring foreign authors to conform to particular formalities, in order to be qualified to claim the right of property. In order to obtain that right, it ought to be sufficient that they should have complied with the formalities required by the law of the country where the original publication first appeared.
5. It is desirable that all countries should adopt, for property in works of literature and art, a legislation resting upon a uniform basis.

A few brief observations as to the laws of copyright in England and other states, may assist in showing the great injustice which authors suffer by reason of the existing state of international law as to such property.

The origin of copyright in England has never been clearly ascertained. It is with copyright as with bills of exchange; there is no trace of either in the Roman law. In England, bills of exchange became recognized as *property* by the custom of merchants, and not by any act of the legislature. A careful examination of the early records of the Stationers' Company, would probably show that copyright also originated in a custom, amongst the London printers and booksellers, not to reprint each other's publications, whence a property in them ultimately became recognized by the common law. Certain it is, that, according to Lord Mansfield, copyright in books had for ages existed by the common law of England, as well after as before publication; that is, an author had perpetual property in the multiplication of copies of his book. But, whatever may have been the origin of copyright in England, it is quite certain that it is no older than the introduction of printing into this country, and therefore related only to books. And the common law right has now been merged in that created by the numerous statutes on the subject.

These statutes, however, while on the one hand limiting the duration of literary property which would naturally be perpetual; on the other, even in the preamble of the earliest of them, that of 1710, recognize such property as already existing; and, while extending the benefit to dramatic, musical, and artistic works, concede the principle, that the authors of dramatic and musical works, first published within the British dominions, are exclusively entitled to the *whole* pecuniary advantages thereof, and *property* therein; that is, the right of representation and performance, as well as the copyright.

The Committee of the Brussels International Copyright Congress of 1858, to which I have alluded, not only published their proceedings, but also collected and published in French the legislation of every state as to copyright.

Hence it appears, that so universally has the justice and policy extended of protecting the *property* of authors in the reproduction of their works, that every civilized state in Europe and America now possesses its laws of copyright. Even Turkey is not an exception to the rule; and a careful perusal of the Russian code of copyright will show, that it is the most scientific and best legislation on the subject which has yet been framed by any state.

But as in England, so in every foreign state (with one exception), its municipal laws of copyright only contemplate the protection of those works which are first published in such state.

This peculiarity of the municipal laws of copyright has long been considered unjust, demoralizing, and impolitic. If, upon the first principles of natural right and justice, it is barbarous for any state to allow its own subjects to rob each other of their copyright *property*, surely it is equally barbarous for State A to allow its subjects to

plunder those of its neighbour, State B. In England, to meet this injustice, certain statutes, known as the International Copyright Acts, have been passed during the reign of her present Majesty, enabling her, under certain conditions, by order in council, to extend the benefit of all our literary and artistic copyright acts to works *first published in any foreign country.*

The policy of these acts, and the condition which they impose upon the crown, is that of securing *reciprocity* in favour of the proprietors of British copyrights; or, in other words, of promoting and legalizing the ignominious bargain, that so long as the subjects of State A shall be prohibited from stealing the copyright property of British subjects, British subjects shall, during the same period, be prohibited from stealing the copyright property belonging to the subjects of State A.

Since the passing of these acts her Majesty has entered into what are called international copyright conventions with Prussia, France, Italy, Belgium, Spain, and several other states, for the purpose of securing to their subjects on the one hand, and to British subjects on the other, reciprocal protection as to their copyrights.

In England these conventions have been completed by orders in council founded upon them, in conformity with the requirements of our International Copyright Acts.

All of these conventions are for short terms, and some are at the present time liable to be determined by a year's notice on either side.

Prussia and France have taken an active part in promoting the recognition and protection of copyrights: the conventions entered into by France for that purpose have been very numerous.

To France alone belongs the justice, the wisdom, and the liberality of recognizing and protecting the copyright property of authors in their works when first published in any foreign state, and *without any conditions of reciprocity.* This was effected in 1852, by a decree of the Emperor during the time he was president of the republic; and after entering into the International Copyright Convention with England to which I have alluded.

So far, therefore, as France is concerned, this decree includes all that is required by the first four resolutions of the Brussels International Copyright Congress. In France you have only to prove your proprietorship of the copyright in a literary or artistic work, whether acquired under the law of France or under that of any foreign state, and that such work has been pirated in France; and the law there effectually protects you by punishing the wrongdoer *criminally* for the theft, and making him civilly responsible for the damages occasioned by the piracy. Moreover, based as it is upon the principle of *property*, this French decree is in strict accordance with the law of nations, which renders it obligatory upon every state to protect within its own territory the property of aliens who are subjects of any friendly state, and which, as being the law of nations, is also part of the common law of England.

I therefore submit that the principle of *reciprocity*, which has been established under the English International Copyright Acts, is

immoral, and that the proprietors of literary, musical, or artistic copyright in works first published abroad, ought also within the British dominions to be absolutely entitled to protection in respect of their property in such works. Nay, more, let not this protection be suspended by the fact of hostilities existing between England and any foreign state. Inasmuch as most authors of new works are universal benefactors, their copyright property in such works is entitled to especial and universal protection during both peace and war.

I also submit that if a uniform plan of registration of all works, in which it is intended to claim a copyright, were established between nations, international copyright might then be adopted with perfect safety to all parties interested, and without imposing any condition upon the author of a new work except that of registering it, according to the law of the state where it was first published. Thus, for example, if a work was first published in France, and registered there, and that state at fixed periods transmitted to England duplicates of its registers and indexes, the interests of the British public would be sufficiently protected, without imposing upon the foreign author any further or other condition for the acquisition of copyright. Such arrangements would also afford a valuable source of information for the public in one country as to the works published in others, and thus aid in the dissemination of knowledge, as well as carry out the duty of mutual justice and loving-kindness.

The International Aspects of Quarantine Legislation. By GAVIN MILROY, M.D.*

THE large and lengthened inquiry instituted by the Public Health Department of the Association at the beginning of the year 1859 was brought to a close last year, upon the presentation of their report by the committee which had conducted the inquiry. This report, after being submitted to the council, was communicated to the Board of Trade, and was subsequently printed by order of the House of Commons, on the motion of Mr. Cave, M.P. for Shoreham. Among the voluminous mass of official evidence, procured from her Majesty's consuls and the governors of British colonies during the course of the inquiry, and a digest of which is contained in the two parliamentary papers printed in the previous year, there is a large amount of information on the existing quarantine regulations and practice of different countries, and on the bearings of such regulations and practice upon commercial and general international intercourse. Primarily and mainly the subject was of course investigated by the committee as a great public health question, and accordingly special attention was paid, throughout the inquiry, to quarantine as a long-established means adopted by most nations for the presumed protection of their people against the importation of dangerous diseases from abroad. This was

* See *Transactions*, 1858, p. 521; 1859, p. 605; 1860, p. 697; 1861, pp. 582, 588.

the original, and this is still the professed and ostensible, object sought for by the system—viz., the preservation of the health of a community from the invasion of a foreign cause of mischief. How far this object has hitherto been attained—or, in other words, what have been the practical results of the system from past experience—may be gathered from the above parliamentary papers. The state too of existing lazarets, and of other means of accommodation provided in different ports for the cure of the sick on board vessels put into quarantine, and also for the reception of the healthy part of the crew and passengers during the imposed period of detention, as well as for the purification of goods or of cargoes supposed to be infected, attracted the special attention of the committee; and on this head also much useful information was obtained.

But besides these, and such-like hygienic matters, there are, it will be seen, various other topics of consideration arising out of the evidence which has been published—topics of a more purely social and commercial nature, and relating to the general intercourse of peoples with each other. An able writer, in one of the leading professional reviews of the day, speaks thus of the published labours of the committee:—"These papers on quarantine we can earnestly recommend to the attention of our medical brethren; and, had we an influential voice, we would recommend them, and even more earnestly, to the notice of statesmen and merchants, in as much as they relate to matters of the first importance in their bearing not merely on commerce and the public health, but also on the liberty of the subject and the cause of humanity throughout the world."* Nor will this statement be considered, I think, at all exaggerated by any one who will take the trouble to make himself acquainted with what has been done, and what is still being done, in some countries by their quarantine authorities, all too under the guise of the alleged protection of the public health.

And now, first, as to the real and full meaning of the term "Quarantine," when carried out into practice, and as to the nature and extent of the restrictive measures embraced in this department of health police. It is most necessary that there should be no mistake on this point, as in too many scientific inquiries much useless disputation has often arisen from the want of a clear understanding of this essential preliminary. Many persons, even professional men, speak of "Quarantine" as if it simply related to the segregation and detention of vessels with actual sickness on board for a certain number of days, until all risk of infection either from the passengers or cargo had passed over, and until free communication with the shore might be safely established. If it were indeed so simple and intelligible an affair as this, an infinitude of diplomatic correspondence, as well as of commercial interruption, and of personal inconvenience and suffering, would assuredly have been spared. But in ninety-nine out of every hundred—nay, we might say rather in nine hundred and ninety-nine

* The British and Foreign Medico-Chirurgical Review, *April*, 1862.

out of every thousand—vessels placed in quarantine, there has been neither any sickness whatever on board during the voyage, nor is there any trace of sickness upon arrival. It is not the ascertained presence, but the conjectural apprehension or suspicion, of sickness in the vessel, or in something on board of her, that is for the most part the alleged cause of the enforced detention. This is the root of all the worst grievances and the most strange anomalies which have been, and still are being, perpetrated under its name The whole system rests mainly upon an idea, upon certain speculative and theoretical assumptions of science, infinitely more than upon demonstrable or demonstrated facts, or results of actual experience. Such being the case, we cannot be much surprised to learn that, on various occasions, it has been used rather for political than for hygienic considerations, to impede the freedom of commercial and personal intercourse rather than to prevent the introduction of any disease; while, at other times and in other places, it has been and still is kept up mainly on fiscal grounds, for the exaction of certain fines and dues upon shipping, and for the remuneration of officials much more than for any other purpose.

In many respects, the practice of "Quarantine" has not been unlike that of the Passport system, in its objects as well as in its results. Both are avowedly meant to guard against the admission from abroad of some dangerous element or another into the place of arrival; but virtually, as hitherto conducted, they have done little more than inflict no small inconvenience and expense upon innocuous persons, and impede safe and speedy transit of men and things from one country to another. And it is certainly a noteworthy coincidence, that the stringency and severity of the quarantine regulations in a country have been, of late years, very much in an inverse ratio to the progress there of exact medical observation as to the circumstances which favour the rise and spread of epidemic diseases, and also to the advance of enlightenment on social and political science among the people generally.

One of the causes of the slow progress of more rational views in respect of quarantine, and of the discrepancy of opinion that still prevails even among some educated persons, upon certain fundamental points of practice, has been the great want of authentic information as to the results of the system hitherto, in the various ports and countries in which it has been chiefly in force. Until the recent inquiry instituted by this Association—an inquiry which, be it remembered, arose from the extravagant restrictions upon personal and commercial intercourse throughout the Mediterranean, four years ago, consequent upon the local outbreak of a malignant fever in a squalid Arab village on the African coast—no large and comprehensive examination of this —obviously the only true—way of fairly testing the matter, had, as far as I know, been anywhere attempted; and, whatever opinion may be formed as to the soundness of the conclusions and recommendations which this committee have put forward in their report, all will admit the great value of the documentary evidence which was brought

together through the aid of the Foreign and the Colonial Offices. It was mainly from the want of such accumulated evidence as to the past results of the system in different countries, and also as to the existing regulations and arrangements in respect of it, that the labours of the costly International Sanitary Conference held in Paris in 1851, when no fewer than thirty learned delegates were in deliberation for upwards of six months, with all the *éclat* and advantages of official authority, proved so fruitless of any useful result.

What is now chiefly wanted is to amplify and complete, possibly also to correct, the documentary evidence laid before the public, by an impartial and sifting examination on the spot into the recent actual working of the system in those Mediterranean and other ports in the south of Europe, where it is at the present time most in force, as in those of Spain, Portugal, and the Ottoman empire.

That the appointment of one or two commissioners from this country with instructions to visit these ports, and to obtain, by direct communication with the authorities and other resident parties well acquainted with the subject, all the necessary information, might be productive of good, and would conduce to the enlightenment of the public mind throughout Europe generally, upon a subject of no small international interest, and on which there is still much ignorance in most countries, can scarcely be doubted. It was with the view of urging this recommendation, that a deputation from the council of the Association recently waited upon Lord Palmerston, who, after attentively hearing the arguments in its favour, promised to bring the matter under the attention of the Secretary for Foreign Affairs, and of the President of the Privy Council.

All that I propose to myself, in the sequel of this paper, is merely to invite the attention of this department to a short summary of the present and existing laws and regulations on quarantine in the different countries of Europe. In this way, the diversity and discordancy of the whole system will be made apparent.

It will be convenient to begin our remarks with Holland. At no period have quarantine regulations been strict in the ports of this country; and when adjacent countries, our own among the number, were maintaining a rigorous and costly interdict upon arrivals from the Levant, Holland afforded a ready admission to them, to the no small profit of her commerce. At the present time, "the quarantine regulations of this country," says Consul Flowers, "may be considered almost a dead letter." In her West Indian colonies, however, a rigid system appears to be still enforced.

The countries eastward and north of Holland, including the Hanse Towns and the Baltic States, have within the last few years much relaxed their quarantine restrictions. At Hamburg, since 1856, all that is done is that vessels arriving from an infected port, or with actual disease on board, are inspected at the outport of Cuxhaven by a medical officer, with whom rests the responsibility of adopting such hygienic precautions as he deems fit for the preservation of the public health.

In Denmark, the former stringent code was abolished in 1852. Consul Taylor remarks, that "in any reform which the Danish government may make in the existing regulations, it will be much influenced by the measures which are taken in other countries, and especially in England. The desire exists to make the intercourse with other ports as free as possible."

In Sweden, also, a great change has taken place of recent years. Down to 1854, the first year of the Russian war, a rigorous system was maintained; but since that year numerous restrictions have been removed, as regards not only quarantine, but various other social and international subjects.

It is not easy to determine with precision the existing regulations in the Baltic ports of Russia. During the foolish alarm in 1858, occasioned by the outbreak of a malignant fever at Bengazi, on the north coast of Africa, all arrivals from any port in the Mediterranean were subjected to quarantine detention at the entrance of the Categat before they could proceed on to a Russian port; but, notwithstanding this, it seems to be generally believed that Russia is disposed to follow the example of her neighbours in the Baltic. As regards her ports in the Black Sea, the war of 1854-5 led to important changes. Prior to that time, a most rigid system of restrictions was kept up at the mouth of the Danube, for the purpose of preventing, it was alleged, the introduction of dangerous diseases from the adjacent Turkish provinces. This has entirely ceased during the last eight years, and no impediment now exists, on the part of the Russian authorities, to the free navigation of the Danube. The vast quarantine establishment at Kertch, on the east coast of the Crimea, was destroyed during the war, and has not, I believe, been restored.

Starting afresh from Holland, but in an opposite direction—viz., to the south and westward—we come first to Belgium, where, according to Consul Grattan, the existing acts and regulations are nominally, rather than actually, in force; although lengthened periods are assigned for different cases, "practically a quarantine of more than from three to five days has been rarely enforced." The general feeling among persons best informed on the subject is, he adds, rather to relax than to add to their stringency.

France is one of the few countries which has adopted the conclusions and recommendations of the International Conference held in Paris, in 1851, as the basis of its existing quarantine code. A summary of the proceedings of this conference was read before the meeting of the Association in Bradford, and will be found in the volume of its Transactions for 1859. The regulations are very complex, and many of them stringent and severe; but full power is vested in the minister of commerce to modify or dispense with them as he sees fit, so that virtually the imposal of quarantine, in all cases, rests with the government; and this power is, of course, exercised with as little interruption to personal and commercial intercourse as possible. In the recent case at St. Nizaire, at the mouth of the Loire, when several cases of yellow fever occurred on shore soon after the arrival of a

vessel from the West Indies, measures of extraordinary rigour, even to the scuttling of the vessel, are said to have been adopted; but, unfortunately, the particulars have not been officially made known, and great reticence has been maintained by the authorities as to the facts of the case.

In Spain and in Portugal the state of things is very different from what it is in France; for in these two countries the central boards of health are more or less independent of the executive government, and they have the principal, if not the sole, voice in all matters relating to quarantine. In both, the system at present in force is extremely rigorous, even in the case of arrivals from ports in which no disease existed at the time of departure, and when no illness whatever had occurred during the voyage. The replies of our consuls at the Spanish ports of Vigo, Malaga, Alicante, and Carthagena, and also at Lisbon and Madeira in the Portuguese dominions, contain many instances of what it would be difficult to credit, if the statements were not from such unquestionable authority. Consul Mark, writing of the practice at Malaga, says: "Arrivals from Egypt with raw cotton are admitted to pratique after eight or ten days' voyage, while arrivals from England with a cargo of coals, and after a passage of from twenty-five to forty days, are all quarantined for three days;" and this for the sole reason that England does not maintain a sufficiently strict quarantine system. Two years ago, one of our ships of war arrived at Vigo from Plymouth; all on board were in perfect health, but the captain had neglected to bring a bill of health. A quarantine of ten days was imposed, and no letters were permitted to be landed from the ship, until they had been previously cut and dipped in vinegar!

But still more oppressive and serious restrictions have been inflicted of recent years at Lisbon and other Portuguese ports, on the plea of guarding the public health against the introduction of dangerous diseases. At the beginning of 1860, the whole coast of Brazil was declared by the Lisbon Board of Health to be infected with the yellow fever, in consequence of its prevalence in one or two places, and a vessel, which had arrived from Para with sickness on board, was ordered to quit the port or she would be sunk, and the susceptible portion of her cargo was ordered to be destroyed.

Three years previously, this fever had broken out in Lisbon notwithstanding the most rigorous quarantine, and had committed great ravages in that very filthy and ill-drained city; and so great was then the alarm at Madeira, that the authorities of that island refused to allow the landing of any passengers from our royal mail steamers, if they had taken on board any person at Lisbon on their voyage out, notwithstanding the perfect health of all on board during the passage. The result was, that the passengers bound for Madeira, who were chiefly invalids who intended wintering there, were obliged to go on with the vessel to Brazil, and thus return to England as best they could. As I have said, the Lisbon health authorities are alleged to be quite independent of the government, which has no voice in the matter. If this be really so, and it is difficult to imagine that any

reasonable government could sanction such proceedings as the above in the present day, it is surely high time for the legislature of the country to alter the law. From no place in the world are so many quarantine notifications received by our Board of Trade as from Lisbon; they are continually appearing either in the gazette, or as notices at the head of the shipping list.

Passing now up the Mediterranean, we come first to the ports of Italy. Previous to the war of independence, there was no country, not excepting even Portugal, where the quarantine regulations were more stringently oppressive than the kingdom of the Two Sicilies. Fortunately for general and commercial intercourse, this state of things no longer exists, having been replaced by the much more simple and enlightened system pursued at Genoa and other ports of Sardinia, which is nearly the same as that in France, being based on the recommendations of the International Conference of 1851. Virtually, it rests entirely with the minister of marine to carry the regulations into effect, acting upon the advice of the directors of public health at Genoa and at Cagliari.

As to the practice pursued in the ports of Austria, I am unable to give any information, as the committee did not receive any reply to their queries either from Trieste or from any other Austrian port.

Greece appears to follow the example of Portugal, and of Naples as it used to be. Mr. Neale, our consul at the Piræus, says:—"There is no doubt that the health office here can do what they like. It is a general opinion in the Levant, that political motives are often at the bottom of the measures taken in respect of quarantine."

The existing quarantine regulations of the Turkish empire are those which were pressed upon the Porte, much against its will, by most of the European governments, about two or three-and-twenty years ago. They are so complex, and withal so obscure, that it is scarcely possible to ascertain their exact import, as any one will find who will look over them in the parliamentary paper issued two years ago,* and which contains some very instructive correspondence between our Foreign Office and the Board of Trade on the one hand, and Sir H. Bulwer, our ambassador at Constantinople, on the other, relative to the present state of Turkish quarantine. It would seem that, soon after entering upon the duties of foreign secretary, Earl Russell's attention had been directed to the inquiry, which had been recently instituted by this Association, into the subject of quarantine in the Levant and elsewhere; for, in July 1859, he had called upon Sir H. Bulwer to transmit, with as little delay as possible, information on various points respecting the existing regulations in Turkish ports. In consequence of a memorial from the Chamber of Commerce of Newcastle-upon-Tyne, relating to some oppressive quarantine toll connected with the bills of health, and levied upon all vessels passing the Dardanelles, which was addressed to his Lordship at the beginning

* Paper respecting quarantine in the Mediterranean, presented to the House of Commons, May 7, 1860.

of 1860, Sir H. Bulwer was directed to apply to the Porte on the subject. The Porte at once acceded to the representation, and proposed not only to reduce the number of days' detention assigned for any irregularity in the bills, but even to grant an exemption from the liability to any quarantine detention, on condition of the payment of certain specified fines. Our Board of Trade, to whom this proposal was referred by the Foreign Office, very properly remarked, that "quarantine is established and recognised by international usage solely for common security and protection against diseases supposed to be importable, and it is contrary to all sound principle that it should ever be imposed for the purpose of providing a revenue to the country in which it is established." The letter of Sir J. Emerson Tennent, from which this passage is quoted, alludes at its close to "the prejudicial operation of the quarantine regulations in force in the Ottoman empire upon the commerce of this country in the trade of the Levant." It is but fair, however, to the Turkish government to add, that the Quarantine Board at Constantinople is composed of delegates from the embassies and legations of the different countries of Europe represented there, and that the Porte has not the power, of itself, to alter any of the existing regulations, but only with the consent of the board; which must, therefore, be held mainly responsible for the defects or errors of the existing system. A thorough revision of the whole code is much wanted, to bring it into accordance with the teachings of experience since it was framed, at the instance of the European governments, in 1840.

Passing from Europe to America, I shall now briefly glance at the state of quarantine legislation and practice in the United States, previous to the outbreak of the civil war. Each seaboard state had its own separate and independent regulations; and, as these were framed without regard to what were in force in any other state, there was a general want of uniformity, and on several points a notable discrepancy, in the system pursued in places which were in constant communication with each other. The result was that the regulations, although very exact and stringent on paper, were seldom carried out with any rigour, and the whole machinery was generally very lax in operation everywhere.

In 1857, an influential convention of delegates, consisting of many of the leading medical men and merchants of the principal seaport towns in the union, was held at Philadelphia, for an examination of the whole subject, and with the view of adopting a more uniform system throughout the country, it having been unanimously declared that "the present quarantine regulations in most of our states are inefficient and often prejudicial to the interests of the community." Subsequent annual meetings of the convention were held at Baltimore and at New York. Valuable reports of their proceedings have been published. It may be remarked that, notwithstanding the nominal stringency of the regulations in some of the states, the practice of quarantine in American ports has seldom or never been so vexatious or oppressive as in most countries of Europe, in consequence chiefly of the large

discretionary powers vested in the medical officer of the ports and in the local board of health, the responsibility to the community being secured by the publication of an annual report of all their proceedings.

And now, in conclusion, for a few words as to the regulations and practice of quarantine in our own country, with a remark or two on the state of things relating to it in our different colonies. The existing acts of parliament and orders in council have long been, for all practical purposes, nearly obsolete. It is exclusively to the apprehended importation of the plague of the Levant, the yellow fever of the West Indies, and the Asiatic cholera, that these ordinances refer; they take no cognizance of, nor provide for any precautionary measures against, the much more common and fatal diseases of smallpox or typhus on board vessels upon arrival. Hence it was that, in the case of the extremely sick Egyptian frigate, whose arrival in the Mersey two years ago occasioned much alarm, and was followed by considerable loss of life, the Privy Council had not the power, under any existing order, of direct interference. For the last fourteen or fifteen years, no detention has been imposed in British ports on arrivals from the Levant or elsewhere, on account of the plague—which, it may be remarked, has for about the last twenty years, with the exception of the local outbreak at one single point of the African coast, been absent from the East. It has been chiefly against the yellow fever that quarantine measures have been directed of recent years, and this has been chiefly at Southampton, in the case of the mail steamers from the West Indies and from Brazil; but in no instance has the detention of a sick vessel exceeded a couple of days, nor has any special purification of the cargo been required. In respect of the cholera, quarantine has been all but abandoned since 1848.

As respects our colonies, the utmost discrepancy exists in their quarantine legislation and practice. Gibraltar, Malta, and the Ionian islands are compelled, against their will, by the fear of retaliatory measures on the part of some of the adjoining countries, to follow the general system pursued in the Mediterranean. In our North American and Australian colonies, the practice of quarantine is confined to the detention of such vessels as have actual disease on board upon arrival, quite irrespective of the place or country from which they come, for the purpose of landing the sick, the recovery of the convalescent, and the purification of the ship, before proceeding up to any wharf or dock in the port of her destination. Quarantine seems seldom to have been practised in any part of the Indian peninsula, nor at any of the adjacent islands. Indeed, the only island in the Indian ocean, where, as far as I am aware, any systematic attempt is made to prevent the importation of diseases by shipping, is the Mauritius, which has adopted, of recent years, measures of great stringency and rigour against two diseases in particular—cholera and smallpox.

Among our West Indian colonies the greatest diversity of practice prevails, and sometimes, too, in colonies close to each other. At Barbadoes, for example, quarantine has of late years been all but discontinued, while rigorous measures have been enforced at Trinidad

and Guiana, on account of the very same diseases. Bermuda, situated between the West Indies and our North American colonies, is, of course, frequently visited by our ships of war; and it is also an important military station. There too, as elsewhere, the system followed has varied much at different times. Recently, it must have been more than usually stringent and severe, as it has been stated that, in the course of last year, H. M. S. Barracouta, from Jamaica, was actually prevented by the civil authorities from having any direct communication with the shore, or even from landing her sick in the naval hospital, from the dread of introducing the yellow fever into the island; and it was only the other day that a detachment of our artillery force from Vera Cruz, where they had suffered much from the sickly climate of that most unhealthy place, were, on their arrival at Bermuda, detained for several days on board ship before they were permitted to disembark. These instances, in connection with previous details, may serve to show how important it is to the interests of the public service, as well as of commercial and general intercourse, that the subject which I have thus rapidly sketched should not be allowed to drop, until it has received, practically, a more satisfactory solution in very many countries than it has yet obtained. Among other public bodies whose attention might be not unprofitably drawn to its consideration, I would especially mention the Chambers of Commerce in our principal towns throughout the kingdom.

TRADE AND INTERNATIONAL LAW.

President.

TRAVERS TWISS, ESQ., Q.C., D.C.L.

Vice-Presidents.

THOMAS BARING, ESQ., M.P. SAMUEL MORLEY, ESQ.
EDMUND POTTER, ESQ., M.P.

Secretaries.

PROFESSOR ABDY. JOHN WESTLAKE, ESQ.

This Department was established at the Glasgow Meeting, 1860, for the consideration, by representatives of all nations, of questions of International Law and for the collection of information relating to production, manufacture, and trade.

SUMMARY OF PROCEEDINGS.

In addition to the papers printed in the foregoing pages, the following were read in the Department:—

"Gold as a Commodity and as Money, and the Influence of its Fixed Price and its Market Price on the Bank Rate of Discount and the Prices of Commodities." By H. Brookes.

"International Importance of the Question of Patents, under the System of Free Trade." By R. A. Macfie.

"Native Africa; its Social State and Relations." By a Deputation of the African Aid Society.

"The British Free Labour Colonies, especially Jamaica, as Cotton-fields." By S. Bourne.

"Emigration and Colonization." By J. Crawford.

"British Guiana." By S. W. H. Holmes.

"The United States of Columbia as a Field for Emigration and Cotton Cultivation." By E. Cullen, M.D.

"The Climate, Soil, and Productions of Canada." By J. B. Hurlbert.

GOLD.

Mr. H. Brookes read a paper on "Gold, as a commodity and as money; and the influence of its fixed price and its market price on the banker's rate of discount, and the prices of commodities." The author proposed the following plan :—

"Let the Mint (instead of the Bank) be authorized to purchase all gold that may be offered to it at the market price, whether that be *at* or *below* the standard price, and to pay for it in bank-notes or sovereigns of standard value, and to coin that gold (when needful) into sovereigns of the same standard value. It is clear that the gold in the sovereign would always be gold at £3 17s. 10½d. per ounce, and would always be exchangeable for all commodities, and for the bank-note, or the silver and copper coinage, *at* that value, even when the market price of gold bullion was *below* the standard price. It is therefore clear that the sovereign could never become depreciated by a fall in the market price of gold, to a point *below* the standard or Mint price. But, if the market price of gold should rise *above* the standard price, then the value of the sovereigns must rise with it, and, for the time being, that *coin* would represent a value above the standard; in other words, it would bear a premium. The gold in the sovereign (the market price having risen) would be worth more than the bank-note and the twenty shillings in silver and the copper coinage represent. It might become worth more than its nominal value, and those who held sovereigns would be entitled to a profit or premium upon them. Those who possessed sovereigns would not complain of this, and those who desired to become possessed of them would have no reason to complain. Though the former would be gainers by the rise, the latter would not be losers, because all the money or commodities they had to give in exchange for the sovereign (and the premium upon it) would be of the *standard* value *only;* they would have cost them no more, and would be held by them for no more, and would represent nothing more. There would simply be a temporary *ap*preciation of the sovereign, because of the rise in the market price

of its raw material; but there would be no consequent, or corresponding *de*preciation in the value of the other portions of the currency, or variation in the prices or value of commodities to be purchased therewith. The whole currency would in fact, at all times, and under all circumstances, and for all purposes, represent the standard or British pound of accounts, except when gold rose above the standard price, and then the sovereign would represent a proportionate value beyond. The only inconvenience, therefore, that could arise from the change proposed, would be the questionable one of finding, at times, that the sovereigns in our pockets, or our tills, had become worth something more than we had taken them for, in consequence of a rise in the market value of the precious metal of which they were composed. But the main objects may be effected, and an enormous advantage may be gained, without even that trivial inconvenience, by a slight modification only of the existing law. When gold is not wanted, let the Mint have the option of declining to purchase, except at a lower rate than the £3 17s. 9d. We should thus be enabled, at times, to obtain gold at a cheaper rate; and when gold is wanted, and the market price of it rises above the £3 17s. 9d., let the Mint have power to buy it at the market price of the day, at least to the full extent of the standard price of £3 17s. 10½d. This would give the Mint power to compete with foreign markets to the extent of six farthings per ounce, and that would probably be a higher price than the market price would ever, even in the most exceptional periods, rise to; and this would not interfere with the standard in any way whatever. At the present time I believe we are allowing the Bank of England three-halfpence per ounce for nothing, under the pretence of a loss of interest which, in fact, it does not lose; we allow it to charge a commission of three-halfpence per ounce upon all the gold it purchases, and pays for it in its own paper, and the country pays the cost of its coinage into the bargain."

The effects of the present system and of that which he advocated, Mr. Brookes contrasted by supposing that we want gold for a French or Russian loan, or to pay for corn. Under the present system, he said:—"In order to effect a reduction in price of the goods to be exported for gold, the Bank Act necessitates the reduction in price of *all* commodities—those for the home and those for the foreign market too. To obtain *one million* in gold, goods to the amount of many millions are reduced—and that not by the gradual process of a natural law, but by an artificial expedient acting with fitful and exaggerated severity. The contraction of the currency brings pressure and distress to bear upon all the holders of goods, and compels a rapid transfer from the hands of the industrious *producing* classes to the hands of the *non*-producing but holding class, and from the weaker to the stronger holders."

But if ten millions of gold required, for exportation, had to be purchased at what Mr. Brookes described as its market value, "the bullion-dealer," he said, "the bank, and all other holders of bullion, would *feel* the increased demand for that commodity, and the price or

value of it would be immediately raised to an extent exactly proportioned to the extent of that demand, and to the amount of our stocks on hand. The first effect of such a rise would be to economize the gold we held. If large consignments of gold were come or coming to our shores, which would otherwise have gone elsewhere, their exportation would be arrested, and the next effect would be to invite some gold to our market; for, as gold would thus become dearer here than in other countries, it would speedily flow from those other countries to us, as freely and as certainly as water flows from a higher to a lower level. The bullion-dealer would not want to touch our coinage because a slight rise in the market price *here* would raise it above the market price *elsewhere*, and that would be amply sufficient to command abundant supplies.

"The bullion-dealer would have to pay ten millions' worth of something for the ten millions' worth of gold he had bought, certainly; and for that purpose he or some other parties would have to buy up bills upon the countries from which he had bought the gold, and more goods would consequently be exported to those countries, and other bills would thus be created to afford the means of paying for the gold so bought; and this would stimulate all those trades and manufactures which produced goods suitable for the markets of those countries, and we should derive additional profits upon all those trading and manufacturing transactions. We should thus have—

Exported 10 millions of goods
To import 10 millions of gold;
And exported 10 millions of gold
To import 10 millions of securities, or corn, &c.

And the gains or profits to us would be—

The gains of the loan-contractors.
The gains of the bullion-dealers.
The gains of the bill-brokers.

The gains of all the manufacturers and traders producing the respective commodities exported, and of the shippers exporting the same; and we should lose nothing.

"As to getting the gold back, we should not want it back except for the purpose of selling it again to somebody else, or for the purposes of art or manufactures, or to supply any further demands for our currency; and all demands for any of those purposes we should be able to supply in just the same way, by just the same means, and with just the same advantages."

But it is said, "such a series of profitable transactions would improve trade, expand the currency, increase credit, and raise prices; and imports would increase, and exports would diminish, and the exchanges would thus be turned against us. How, in that case, should we be able to turn them in our favour again? How should we be able to get gold to balance the exchanges, in exchange for goods so high in price that foreigners would not buy them? In other words, How should

we be able to regulate our circulation and prices by the foreign exchanges?

"This would be a mere question of relative values; of the relative prices or values of the commodities we had, and of the commodity gold which we wanted, and that question would be solved in one of two ways, either of which involves the other. The bullion-dealer would manage it all, the foreigner would compel us to give a higher price for his gold, or to take a lower price for our goods, which is precisely the same thing; and he would be just as eager to sell his gold as we should be to buy it, and he would be just as eager to take our goods in exchange as we should be to force them upon him. The bullion-dealer, finding gold in demand, *must* buy it, and to buy it he *must* pay a price or premium proportioned to the demand. His purchases of gold would compel the exportation of a requisite amount of goods to pay for it, and the larger proportion of goods exported for the smaller proportion of gold imported, would rectify the exchanges."

Mr. Brookes drew the conclusions, "that raising the bank rate of discount does not operate in the same manner as a premium on gold would operate,"—"that there is no necessity for an artificial reduction in the prices of commodities, in order to bring back the gold,"—and "that it is quite possible to have gold at a market price, and yet maintain the standard of value."

DISCUSSION.

In the discussion which followed, Mr. S. Morley said, "he hoped that the whole question would continue to be thoroughly ventilated until a change was brought about in the present system. The legitimate complaint was, that small causes were able to produce immense and disastrous effects in commercial affairs. The amount for which bills were drawn in commerce annually, was estimated at £1,000,000,000, and the value of those in circulation at one time was £250,000,000. Well, the withdrawal of two or three millions of gold from Lombard Street was sufficient to affect those colossal transactions, and property to an enormous extent was calamitously depreciated. A demand for five or ten millions' worth of gold was enough to produce distress and ruin throughout the whole country. Manufacturers were stopped in their operations, and the working-classes thrown out of employment. On the other hand, an inconsiderable influx of gold was able to bring about the calamity of money at two per cent.; for it was an error to suppose that money of an extreme cheapness was other than a calamity. Fluctuations to either extreme were most miraculous in their effects, and such fluctuations were the inevitable result of the system. Such a state of things manifestly required a remedy, and he (Mr. Morley) was associated with a few men in the city, with the view of procuring a change. The Bank Act of 1844 broke more hearts than any other occurrence of the time: its whole tendency was to give to capital an undue advantage. He went with a deputation upon the subject upon a recent occasion, and the next day he saw himself denounced as one who had bought goods at one price, and wanted to pay for them at another. But, in point of fact, his houses benefited considerably by the system, as did all the great houses; it was the small struggling houses which were injured by it. Lord Overstone had stated that the country was not the poorer in consequence of the panics, which was to a certain extent true, because what the numbers of small traders lost went to swell the coffers of the wealthy. But no one that witnessed the agony undergone by the victims of panic during the period of a crisis, who saw their desperate and unavailing struggles to meet their engagements when their property had been depreciated twenty, thirty, or

forty per cent., and their ruin when their property so depreciated passed into the hands of rich men, could doubt that it was right to labour earnestly to prevent the recurrence of a panic. There were some wealthy firms now in the city, making their arrangements to take advantage of the next panic like that of 1857. The working of the Bank Acts was a matter which needed the most careful and important inquiry. The evidence taken before parliamentary committees on the subject hitherto, had been too much from one side.

Mr. NEWMARCH said, that if cash payments were suspended there could be a market price for gold, but not if cash payments were to be maintained. The rate of interest on capital was what Mr. Brookes and others incorrectly called the market price of gold.

In the discussion of Mr. Stansfeld's paper, Mr. MUSHET observed, that the Bank of England, as it traded with money for its own profit, had an interest opposed to that of the public; but a state bank would be free from that objection. There could be no free trade in money unless unlimited issues on the credit of the issuer were allowed, which they never could be in times of commercial crisis. The whole question turned upon securing the convertibility of the paper circulation, and whatever embarrassed or endangered that convertibility should be investigated. Now, it was strange that so little notice should be taken of the fact, that English sovereigns are coined at their full value as gold. They are coined at a loss of a farthing an ounce, the aggregate loss to the country being something less than £50,000 a-year. No deduction being made to compensate for the loss from coining, the sovereign retained its full value as gold, and consequently in foreign countries it passed as bullion. The effect on the circulation of England was most inconvenient and injurious. A very small profit, even less than a farthing in the ounce, was sufficient to induce foreign merchants to export gold, and the most economical form in which they could ship it was in sovereigns, as, besides being relieved from the expense of testing, by going to the bank for sovereigns they were saved the commission on the purchase of bullion. In this way sovereigns to a large amount were exported, and permanently withdrawn from circulation. They were melted down on the continent for the purposes of manufacture. This in itself was a source of disturbance to our metallic, and consequently to our paper circulation, which ought to be obviated. A slight diminution in the value of our coined gold, would have the effect of keeping it in this country. In France the silver, which was there a standard, was not coined up to its full bullion value. With reference to the alleged regulation of the price of gold by Act of Parliament, the Bank of England was not bound, as was supposed, to sell gold at a fixed price; it was bound to buy at a minimum price.

Mr. LEVINSOHN expressed his doubts as to whether diminishing the value or the coinage would prevent the drain of gold. It was undeniable that gold was disappearing from circulation. The question was, where did the gold go? It was manufactured in larger quantities than formerly, and the middle classes on the continent, especially in France, had got into the habit of using gold more than they previously did. This habit was becoming so general, that the drain of gold from circulation was certain to increase, no one could calculate to what extent; and, for purposes of circulation, it was clear that they would have constantly to look to new supplies.

The PRESIDENT, with the view of throwing further light upon the drain of gold spoken of, mentioned that he was last in Vienna when they commenced reviving their coinage; and, being anxious to obtain some of the new coins, he proposed to the attendant at the hotel to go to the bank for some of them. To his surprise the attendant took a handful of gold and silver coins from his pocket, and supplied him. He was the more impressed by the circumstance from his knowledge of the former paper circulation, and he could not help asking himself the question: If the people thus proceed at once to supply themselves with the precious metals in the shape of coin, and hoard them as we know they do in France, where is a sufficiency of these metals to come from? The attempt to supply them would be like pouring water into a sieve.

PATENT LAW.*

This subject was discussed in both the First and the Sixth Departments, and at an evening meeting in Burlington House, on Wednesday, the 11th of June. The space which the question has occupied in previous volumes of the *Transactions*, and the fact that it has already been reported on by a Special Committee of the Association, and now forms the subject of investigation by a Royal Commission, has induced the Editor to compress the papers and discussions upon it at the London meeting into the following abstract:—

Mr. MACFIE's paper on "Patents Internationally Considered," showed that the original object of the Patent Law, to provide for the security, the stimulus, and the reward of men who benefited their country by new inventions, had now ceased to exist. New discoveries are now only anticipations of improvements which, in the spread of science and art, must necessarily occur, and are generally only of new processes in existing manufactures. The privilege accorded to a patentee imposes restraints on many others: it is true that very few patentees avail themselves of their right to prohibit persons, willing to take licences and pay royalties, from using their inventions; but they have the legal right to do so, and there is no limit to the royalties that may be demanded, and no court of appeal as to their amount. British manufacturers, under the present system of free trade, are thus often put under a disadvantage, paying a royalty of thousands a-year, while our markets are open to foreign competitors who pay little or nothing. A court of appeal would only be a palliation; and the only two remedies would be, either an international system that would give patents a world-wide effect, or else some other reward for making and publishing an invention than an unlimited monopoly. As it is vain to hope that the countries of Europe and America, with their colonies, will speedily agree to an international system, Mr. Macfie urged the following proposition on her Majesty's commissioners:—

"That every patent should be valued within three years of its being granted, and the nation allowed to purchase it, either from the public moneys, or from individual contributions, among which the royalties paid, or to be paid for its use, should be reckoned. Meanwhile the use of it to be allowed to every person willing to pay a fair royalty, the degree of foreign competition being an element in determining the rate. Particular attention should be paid to patents for 'processes' and 'machines' to be adopted in manufactures already existing; prohibition and heavy charges for these are much more mischievous than in the case of articles or machines not intended for such use. This distinction suggests one of the important points in which patent-right is less defensible, and more dangerous than copyright. The latter only restrains the use, and enhances the price, of articles (namely, books) that do not directly contribute to the manu-

* See *Transactions*, 1858, p. 147; 1859, pp. 237, 272; 1860, pp. 180, 288; 1861, pp. 230—239, 803.

facture of other articles, notwithstanding which, the law long ago provided security against exorbitant charges under copyright."

DISCUSSION.

Mr. THOMAS WEBSTER said that, as a rule, patents did not get into general use until one half of their term had expired, and consequently there would be nothing to value in three years after they were taken out. The author of the paper admitted, that some reward to inventors was necessary as a stimulus to invention; but the best stimulus that could be devised undoubtedly, was the protection accorded to the inventor in working out his own invention.

Mr. J. SKIRROW WRIGHT considered that the paper was that of a theorist, rather than a practical man. He (Mr. Wright) never heard a manufacturer complain of the hardship of the existence of patents. When manufacturers had to pay thousands per annum in royalties, it was certain that they made profits fully equivalent. It would not be right to compel an inventor to give a licence, for that would be simply obliging him to hand over a portion of the results of his own brain-work to others. What would be thought if it was proposed to compel Mr. Dickens to give to a certain number of persons a part of the proceeds of one of his novels? It was also wrong to assume that the ground was already occupied. There was no practical limit to novelty in inventions.

Mr. BOHN was of opinion that, if the inventors were to be compelled to give licences, there would be an immediate check to inventions, which often require years of toil to work out. To his own knowledge, the inventor of the stationery cutting-machine, who realized a large fortune, would have made nothing by the patent if it had been valued within three years of its issue.

Mr. THOMAS WEBSTER, F.R.S., in his paper on "Patent Right," observed that, of all acquired rights, that of an inventor to his own creation may be most truly called his own; his claims being that of the first occupant, the foundation of all property. But when he has given his invention to the world, the right to restrain others from copying it is matter of municipal regulation: in this country the grant of a patent is an act of grace by the crown, and it may be made on such conditions as the crown chooses. Under the Patent Law Amendment Act, 1854, any application for a patent is referred to the law-officer, as the adviser of the crown, and on his report the grant is made or withheld. The proceedings are under the regulation of the Patent Law Commissioners, who may interpose as they think fit; and the authors of the existing patent law are of opinion, that the powers of the commissioners, if adequately exercised, are sufficient for carrying out most of the recommendations contained in the report of the special committee appointed by the Association.*

These recommendations were directed to the remedy of three defects in the existing system:—1. The multiplication of patents; 2. The obstructiveness of patents; 3. The litigation on patents.

1. As to multiplication of patents, the inventor and the public are equally aggrieved; the loss to inventors from grants for inventions which are old and worthless is very great yearly, and, as they are taxed nearly £100,000, they have some claim to protection; some sieve, as it has been termed, through which inventions should be passed. 2. As to the obstructiveness of patents, stated in the strongest point of view, it amounts to no more than this, that persons proceeding in

* See *Transactions*, 1861, p. 229.

a certain line of investigation, find that they have been anticipated some particular, and require to use an invention, the subject of a pri patent, of which they cannot obtain the use on reasonable tern The remedy is obvious by applying the principle of compulsory sale, t operation of which, under the Lands Clauses Act, is so well und stood. Nor does this remedy require a legislative enactment, it bei competent for the Crown to introduce into its grant of letters-pate a condition that the patentee shall always grant a licence on reasonal terms. 3. Concerning litigation on patents, opinion is divided betwe a special tribunal or some modification of the existing system.* may be observed, that the real trial of a patent case lies in the co of appeal, and the chief question remaining is the mode of trial at t preliminary stage, so as best to ascertain the facts for the considerati of the court.

Mr. Webster called attention to one other point; namely, t application of what has been termed the inventors' fund; that is, t surplus of fees levied on patentees beyond the necessary official exp diture. The following objects have been pointed out as legitim applications of such surplus.

1. The reward of meritorious inventors by the purchase of th patents.

2. The building of convenient patent offices, with a suitable museu and library.

3. The reduction of fees to such an amount as may be sufficie only for the maintenance of the patent system.†

EVENING DISCUSSION.

Mr. CHARLES COWAN, of Edinburgh, was called to the cha Short papers, to raise discussion, were read by Mr. Webster a Mr. Macfie.

The CHAIRMAN said that the Patent Law Amendment Act had had a m beneficial result. Before its enactment the three parts of the kingdom w virtually foreign countries as regarded each other in all matters of patents. Th

* See *Transactions*, 1859.

† Lord Stanley writes as follows, in reference to this question:—

"The fact that a considerable surplus does exist, the certainty that it w largely increase, are both admitted. Equally indisputable is it, that the taxi of inventions is an experiment never contemplated by the framers of the act 1852, and unjustifiable even in the utmost pressure of financial distress. T latter point, indeed, requires no argument. Inventors therefore demand that t tax should cease, and that patent office fees should henceforth be applicable on for patent office purposes. When once the treasury ceases to have an intere in the amount of fees collected, the question what those fees should be, and und what limitations it may be expedient to levy them, will present fewer difficulti

"The scale of fees, as fixed by the act of 1852, was a compromise with t Chancellor of the Exchequer, Sir Charles Wood, in the uncertainty of the num ber of patents that would issue; now that experience has shown the amou which these fees may reasonably be expected to yield, the amendment of legis tion which caution dictated, and the appropriation of the surplus to inventor purposes, would be only to carry out the principles of that first instalment o reform in the patent system."

state of things was now at an end; the cost of patents was greatly diminished; and the public could now obtain information as to patents at a nominal price, and in a readable form, instead of having to go to the Record Office and decipher it with considerable difficulty, and at a heavy expense. The law should now be further improved, in order that inventors might be rewarded according to the merits of their inventions. We had now established free trade, and we must run a race with all other nations. By the very law of patent, when an inventor obtained the protection which the patent law afforded him, it was given on the condition that he made the discovery public to the world. There was, therefore, a strong claim made out in favour of all persons being entitled to the use of a published and protected invention at a reasonable rate. How that rate was to be fixed was a matter of consideration. He went with the views laid down in the papers to a considerable extent; and he did not think there was any great discrepancy between them.

Mr. Symonds said, it appeared to him that there was scarcely a difference of opinion as to the substantive right. Apparently, inventors pursued their objects with a view to their own immediate interests, and not with a view to the interests of suitors generally. If they would make common cause with all other suitors, and insist on having proper general tribunals, with adequate assistance for special matters, they would get rid of a great many difficulties. A proper settlement of the law was required upon three points—first, as to the registration of rights; second, as to tribunals to try questions of right; third, as to pleadings and proofs in a suit. All attempts at legislation with reference to patents were embarrassed with the question, whether it was right and expedient that patentees should have protection or not? He would prefer to postpone that question, and say that, so long as the right existed, they ought to have the same clear and definite registration, and the same benefit of existing tribunals, as any other proprietor of an existing right. If once a law were passed, establishing a code of general right, the question would simply be; should such and such persons have certain general rights? Some years ago he was engaged in the question of copyright of designs, and drew the first bill. Lord Campbell approved very much of the registration of designs. Let them get a common idea of registration of property, and they would be protected by the general feeling of proprietors. It would be advisable to make the registration as perfect as possible. The registration of patents had hitherto been merely periodical; and, though there had been some improvement, there was still wanted an analytical and elemental system of registration. To go back and index the existing payments would be a very heavy affair, but to index as we go on would be very simple, as each patentee might be required to accompany his specification with an index. It would be easy to settle a form of statement as to the ground of the inventor's claim for compensation, and the value of each combination would be easily found. The economy of this plan, especially the economy of time, the value of which could be easily calculated, must be obvious. The substantial proof of property is occupancy, followed up by realization, and the simple question remaining was, whether an inventor was entitled to compensation? Not a single person who himself had property, would disclaim the right of an inventor to a property in his invention. The inventor withdrew from other pursuits whereby he might earn his bread and make his fortune, and he was entitled to something more, as compensation for that withdrawal, that he might have earned in those other pursuits. Incident to an invention there was a great deal of anxiety; and when, after the endurance of that anxiety, the outlay of his time, and the peril of his fortune, he succeeded in realizing his project, that anxiety which in every other case was paid for, should be paid for to the inventor. But, as the patent conferred a compulsory right, it should be subject to compulsory purchase by any other body who found it necessary to incorporate the previous invention with their own.

Mr. Coryton said it was somewhat singular that we should now submit to a restriction on trade which a few years ago would have been thought intolerable, and which was nothing more than an engine of pressure upon the rich, and delusion of the poor. The object of the law was to improve the manufactures of the realm, by giving protection to those who devised useful improvements; but he would appeal to every one who knew any thing of improvements in manu-

factures, whether, with one invention following so close upon another, fourteen years was a reasonable time to allow for the development of an idea? Why, there was not half an hour between two discoveries. The press had foreshadowed the course which had been taken in most recent improvements. And in any branch of trade, there was scarcely an invention of which some indication was not to be found in recent works. There were numbers of patents by which a great deal of money had been made, and not one of which would have held if it had been investigated by a competent tribunal. Being an inventor, he could put himself in the case of the patentee. The inventor either was a man in trade, anxious to put his own invention into operation; or, if not, he would say to those who were in trade, "You want the cheapest article, and the cheapest way to produce it is my way, and I will allow you to do it that way upon certain conditions." In most cases, the right was in one man's hands, and the power in another; and, if they could look through the patents since 1851, they would find that most of them were speculative. It was not the interest of the country to grant patents to individuals who had speculative ideas. It was not to be imagined that the best ideas, those by which the country had gained the most, were ideas for which patents could be obtained.

Mr. Morley said they were jumbling together the question of principle, and the question of the details and difficulties of the patent law. He wished to stick to the general principle. If any held the opinion that the patent laws ought to be entirely done away with, that question ought to be discussed first of all. It appeared to him, looking at the matter in the abstract, that nothing could be more just, than that an inventor should be in some way rewarded for his ingenuity in inventing that which is beneficial to the community. Nothing can be said to be more peculiarly a man's own than that which he invents. The property even in land was open, on abstract grounds, to very strong objections; but the property in an invention, which was the emanation of a man's own mind, was one to which he did not see any possible objection. It was said that an inventor only forestalled what somebody else would have found out if he had not done so; but, though this might be true with regard to some inventions, it was certainly not so with regard to most. One very hard case illustrated this point—the case of Crompton, the inventor of spinning. That invention, though very desirable, would probably not have been found for twenty years, and without it we should not have been able to bear the expenses of the war with France, which the improvement in trade produced by that invention mainly helped us to support. Yet he believed the inventor got next to nothing for his patent. If he had derived a fair advantage from his invention, he would have reaped a large fortune; and every one must regret that he died, feeling that he had received no reasonable reward for that very great discovery. Until we were prepared to suggest some other plan, it would be wrong to abolish the only means which existed, by which any remuneration at all could be secured to the inventor. He had heard the question argued very ably, but none of the arguments had been such as to shake the conviction at which he had arrived.

Mr. G. Harry Palmer said that, with regard to the remarks which had been made as to the system of registry, he wished to state the result of his own inquiries at the Patent Office in Chancery Lane. Mr. Symonds seemed to be under the impression, that to search for a patent was like looking for a needle in a load of straw; but so well is it now managed, that, with the slightest and most attenuated thread of information, it was easy to find out any patent in half an hour. In 1853, Parliament granted a sum of £1000 to Mr. Bennett Woodcroft for an Index of Patents from the reign of James I. to the present period, which formed the nucleus of the present indexes. There were now three indexes. First, a chronological index in the order in which the patents were granted; second, an alphabetical index, in the first column of each page of which were the names of the patentees in alphabetical succession; and, thirdly, a subject-matter index, in which each patent was distinguished by some leading difference. So that a person going to the office with some vague idea as to the name of the inventor, the date, or the subject-matter, must find the patent in half an hour. He would give a few figures to show what was the working of the present law. Since 1852, when the principle of experimental or tentative patents was in-

troduced, there had been a very large increase. Previous to 1852, the average had been about 41 per week, and from 1852 to 1858, it was about 60 per week. In 1860, there were 1396 applications, of which 261 actually passed; 1135 did not take the usual and necessary steps within six months to complete their patents. Of those that became patents, a good many were relinquished as unworkable. But though the number of patents was increased, yet, compared with France, the increase was not so great; the number of patents taken out in France being between 4000 and 5000. In the United States, in the year 1859, the number of applications was 6225, and the number of patents 4538. The applications for extension were 41, and the extensions granted 32. Of the patents granted, 4491 were to citizens of the United States; 23 to subjects of Great Britain; 15 to those of France; and 9 to those of other foreign governments. There was not a single practical question that hung so distinctly upon a principle as this question of patents. With reference to the desire of the last speaker, to narrow the question to one of abstract rights, he referred to a report published by the Society of Arts in 1852, remarkable for its literary ability and clear logical force, in which article the ground was taken that every inventor had a strict and abstract right in the proprietorship of his invention. Lately, similar views had been advocated with great force by an eminent engineer, and the same view was taken in France, and was now beginning to be popular in this country. He must say, it appeared to him that an invention contained all the elements that entered into the idea of property. There was the actual possession, the *jus utendi* and the *jus abutendi*, which had been held from the time of Justinian to indicate property, if not to constitute it. An inventor after an expenditure of time produces a result, which in all probability would never have been suggested if he had not devoted his time to the inquiry. It might be said, if the inventor had a strict right, why did the legislature charge him certain fees? But though he had a proprietary right in the result of his labour, yet the law had also a right to exact from him payment of those fees, in return for the law and order and protection which he enjoyed while living and labouring in this community. He would even go so far as to say, that if we could get inventions enough by charging higher fees, without discouraging inventors, the government would have a right to say, "We *will* raise our fees." The question was: what were the present grievances; and what were the remedies for those grievances? Much had been said as to the multiplication of patents, and whether there was any right more than that of going into court and maintaining an action? If they started with the view of going into the question and giving an indefeasible right, how were the parties to be brought into court? how was there to be an application till the right was infringed? There would be no defendant. Many patents were merely speculative, being taken out in the expectation that they could be held forth *in terrorem*, and that the patentee would gain his point by saying, "I will not proceed if you will do so and so." It was almost impossible to investigate a claim in the first instance; but it might be a question whether they could not improve the present tribunals. It had been suggested that assessors might be placed on the tribunal, not to take the place of the judge, but to assist, an office analogous to that of the Trinity Brethren in the Admiralty Court. He had heard of a case in which a jury, having heard a case for a couple of days, took up their hats and said they could not understand a word about the case. Perhaps they were only more honest than other juries, who went on and decided a case though they also did not understand a word about it.

Mr. Symonds said, the practical question ought to be considered whether it was not desirable that there should be a division of labour, and whether the manufacturers were not relieved by others taking this branch of labour—that of inventing. All manufacturers must have designers. The large firms keep their own designers; but all could not do that, and the designers formed a division of labour that greatly relieved the manufacturers.

Mr. Sheppard said, he questioned very much the abstract right which had been set up. He apprehended that there was no such thing as an abstract right. It depended on the law of the country, and on what policy that law is founded. A man of genius devoted his time and attention to some machine or article which would be of enormous benefit to the public, and had expended not only

his labour but perhaps also his fortune upon it. It was to requite a man of that sort that the patent laws were passed. He did not even go into the history of the law—that was the principle; were they to abrogate that principle? If the law was abused, let the law be altered, but don't abrogate the principle. It was impossible to decide what were or were not useful inventions till they were tried. The man who invented gas-lighting did not get a patent. As for the general principle, whether it was correct or not to say that the inventor had a proprietary right, there was no doubt that the promotion of the public good was the main object, and the intention of the patent laws was to reward the person who advanced the public good. He thought these general principles were sufficient to justify the policy of the patent laws.

Mr. Ringworth said, I must enter my protest against the whole theory laid down. I differ from those who think, like Mr. Webster, that there is any inherent right on the part of the inventor. They begin with a mistaken principle, and assume that we want to deprive inventors of a right. We only say, "Do as every body else does. If I propound something novel, I don't claim a patent. I don't require that I should be protected. I trust to accident, and the result of circumstances for the advantage, if there is any, to be derived from my ingenuity. If you choose to give out any thing that you have discovered, you are at liberty to do so, but you do it with all the consequences. If you wish to keep it to yourself, do so by all manner of means; but why go and ask government to do what is injurious to society at large, and to yourself ultimately?" Out of so many patents there were really very few from which the public derived any benefit.

Mr. Webster said, in reply to Mr. Coryton's observation that no patent was worth any thing, he (Mr. Webster) thought they were worth too much. This was a case in which people reasoned for the abuse against the use. Nobody now contended for the abstract right. But as an inventor might, if he liked, keep his invention to himself, or practise it in secret, the object was to induce him to disclose it. If that system were done away with, then, instead of the disclosure, we should have secret tribunals, of which we had now forgotten the history. Who would go to the expense of making elaborate machines, of which patterns could be taken by any other person the next day? Without the patent laws, all these inventions could not subsist, as men could not be found to go to the expense of starting them. An invention required as much adaptation as a child; an invention must be adapted to the people as the people to the invention. When an improvement was established, people would adopt it; but any new invention could not be introduced without a large amount of capital, which would not be embarked if the inventor did not hope to get the benefit of it, though, in nine cases out of ten, the inventor did not get the benefit, but the public. The whole of the money spent in experiments and in obtaining patents, was not repaid by the earnings of inventors as a class, but they are led on by hopes, and the public get the benefit. He considered that it was a great advantage to the inventor that he could take out a provisional specification, and could thus obtain protection till he got his patent. In the case of a poor man, he often required that protection against his own master. There were instances without number of poor men who, by such means, had obtained patents, and who now lived in a position of life equal to that of gentlemen then present.

COTTON SUPPLY.

Mr. S. Bourne contributed a paper on the British Free Labour Colonies, especially Jamaica, as cotton fields. He proposed to show, that we need not be wholly dependent on the Southern States for our supply of cotton. Jamaica was well adapted for the production of excellent cotton, and there was no scarcity of labour in that colony; 100,000 labourers could be readily obtained for the cultivation of cotton alone, if sufficient inducements were held out to them. In a short time, he believed, we should be able to get abundance of cotton

and of good quality, from Peru, India, Africa, and Egypt; but there was a wider field still—there was Guiana, which could produce a supply far exceeding our demand. That coast, extending 300 miles by ten miles in depth, could furnish 3,000,000 bales of cotton every year, far superior to the American. He hoped, however, that England would not overlook the facilities which the West Indies offered for the growth of cotton, believing that nothing but capital and skill were necessary to produce the desired result. Mr. Bourne then produced several specimens of the raw material from Jamaica, and also some of it woven into cloth.

Mr. S. W. H. HOLMES, in a paper on British Guiana, stated that in 1861 the colony of British Guiana produced 60,000 tons of sugar, at £20 per ton, £1,200,000; 30,000 puncheons rum, at £9 per puncheon, £270,000; molasses of the value of, say £60,000; 20,000 loads of greenheart timber, at £8 a load, £160,000; total, £1,690,000; that is, independently of minor articles, the great staples of the colony realized nearly £1,700,000, which, for a population which certainly does not exceed 150,000 souls, shows a produce of about £10 13s. per head for every man, woman, and child in the colony. Considering the disinclination for work which notoriously exists in the greater part of the population, this result speaks volumes for the fertility of this magnificent colony; for the exports of manufacturing England hardly reach £4 sterling per head. But a small number of estates are now cultivated with sugar, the only surviving staple. Hundreds of plantations have been abandoned that formerly produced cotton of the finest quality, a cultivation which could easily be restored, as it was only relinquished owing to paucity of labour, and to the fiscal legislation of the imperial parliament. At the commencement of the present century, the imports of cotton into England from Guiana exceeded those from the United States. Mr. Holmes desired to make known that there were, within twelve days' steam of England, millions of acres, of perhaps the finest alluvial soil in the world, lying fallow for the want of hands—that there was a territory adequate to supply the entire British demand with cotton of the finest quality, as well as every other product that requires rich land, a moist yet equable climate, and a tropical sun.

Dr. EDWARD CULLEN contributed a paper on Colombia, in which, after giving an account of its climate and productions, he proceeded to describe, as follows, its capabilities as a field for emigration and cotton cultivation:—The cotton plant is indigenous to Colombia, and flourishes luxuriantly in its prolific soil. The Carthagena cotton is classed, in the Liverpool market, with the finest qualities of "uplands" and "New Orleans" cottons, and is equal to that of Demerara and Berbice. From the variety of soils and climates in Colombia, it is adapted to the production of all descriptions, from the finest to the coarsest. The sandy soil near Santa Martha and Carthagena would produce cotton little, if at all, inferior to the Sea-Island cotton. Notwithstanding the scantiness of its population, Colombia at present affords sufficient native labour to carry on cotton cultivation, though

not to any very considerable extent. To grow cotton on a scale commensurate with the demands of England, it would be necessary to send out labourers. Here I would beg to direct attention to the grand advantage which Colombia possesses over all other cotton-growing countries; namely, that, owing to its inter-tropical situation, cotton will grow as high as 5000 feet, where white men can work without the least risk to their health: white men can work with perfect safety at elevations above 2000 feet, by taking the simple precaution of wearing a high-crowned straw hat, lined and covered with calico. A second advantage which Colombia possesses is, that, under its vertical sun, most of the species which, in other countries, are annual, biennial, or triennial, are there perennial; and, once sown, are permanent. A third recommendation is, that two crops can be picked every year. A fourth inducement which Colombia offers is, that, in order to encourage the immigration of Europeans, the Government will give free grants of land to every settler, and will make concessions of large tracts to any individuals or companies who will undertake to cultivate them. A fifth advantage is the proximity of Colombia to Europe, it being within thirty-five days' sail of Liverpool. A consideration of the advantages above mentioned—viz., that in Colombia cotton can be raised by white labourers; that the plant is there a perennial; that the land can be had for nothing; that two crops a-year can be picked; and that the country is within thirty-five days' sail from Liverpool—will, I think, justify me in concluding that Colombia will be able to sell cotton as cheap as any other country. There is nothing in the cultivation of cotton that the English farmer or labourer could not quickly learn. The seeds are sown at intervals of three inches, in drills from three to eight feet apart. In about four and a half months the pods are fully matured, and the picking begins. The only care necessary is to thin the plants occasionally, and to keep the fields weeded. The cotton-plant will bear the hottest and driest atmosphere, and will bear, equally well, the heaviest rains. It will flourish in the very poorest soil: in fact, the very finest varieties flourish in a sandy soil, with a very small admixture of decomposed vegetable matter. Dr. Cullen added the following regulations of the state with regard to immigration:—1. Every immigrant desirous of settling in the country, will receive a grant of 15¾ acres of land in any location that he may choose; 2. Every immigrant having under cultivation all, or three-fourths of the land granted to him, shall receive a farther grant; 3. All immigrants shall be exempt from taxation for twenty years after their arrival. The districts which I would recommend to the first settlers are, the slopes of the Sierra Nevada, the beautiful country between Honda and Bogota, and the Cordilleras from Ocaña to Pamplona, and from thence to Bogota. The passage from Liverpool to Santa Martha, or Carthagena, is made by sailing vessels in from twenty-five to thirty days. The greater part of the run is in the track of the N. E. trade winds, which blow steadily all the year round. The West India mail steamers make the run to St. Thomas in thirteen, and from thence to Santa Martha in three days. From Santa Martha

steamers run to Savanilla, at the mouth of the Magdalena, fifty miles distant, and from thence to Honda, 553 miles up the river. The passage from Santa Martha to Honda occupies from eight to twelve days, and from Honda to Bogota three days. Thus the journey from Southampton to Bogota is accomplished in from twenty-seven to thirty-one days. If emigrants were carried out in large numbers, in sailing vessels, they could be landed at Santa Martha for £5 a head, and for £1 more they could be located on their lands in the interior.

M. Jules Duval, directeur de l'Economiste Français, désirait soumettre à l'assemblée quelques renseignements sur les avantages que l'Algérie offre à l'Angleterre pour la culture et le commerce du coton. En étudiant la collection, très belle et très complète, qui se trouve en ce moment à l'Exposition, chacun se convaincra que les cotons algériens présentent, aussi bien pour la variété à longue soie (Sea-islands') que pour celle à courte soie, toutes les conditions exigées par l'industrie pour la force, la finesse, la longueur, la nuance. Cependant la culture suivie n'y remonte qu' à une dixaine d' années; et l'expérience apprend tous les jours à mieux réussir. Du reste ces cotons, signalés et récompensés dans les Expositions antérieures, sont déjà connus sur les marchés du Hâvre, et même de Liverpool, où ils trouvent, surtout depuis la guerre civile des Etats-Unis, un placement facile, et des prix fort encourageans. D'autre part, la quantité qu'il est possible de produire, bien qu'elle ne puisse suffire aux besoins de l'industrie européenne, peut lui fournir un contingent très sérieux Le coton peut se cultiver en Algérie avec un plein succès, depuis le littoral jusqu'à 500 à 600 mètres d'élévation au dessus du niveau de la mer, et cela sur une étendue de 250 lieues de côte, sans parler des territoires de Sahara algérien, trop éloignés des ports pour que l'on puisse, en ce moment, tirer un parti commercial de leur température très favorable. On peut estimer à un million d'hectares au moins (soit près de deux millions et demi d'acres) les terres propres, celles qui reçoivent les émanations de la brise marine, et sont impregnées de sel, deux conditions jugées très favorables. Pourquoi donc le coton ne se répand-il pas avec plus de rapidité en Algérie? Est-ce la main d'œuvre qui manque? Non! elle arrive en abondance de l'Espagne, des îles Baléares, du midi de la France, de l'Italie, de Malte; mais elle ne reste pas dans le pays quand elle n'y trouve pas d'argent pour la payer; et c'est malheureusement le cas trop fréquent. La main d'œuvre vient plus abondamment encore du Maroc, source inépuisable, car il y a dans cet empire 6 à 7 millions d'individus misérables opprimés, qui accourent en Algérie dès qu'il y a du travail et des salaires. Les Tunitiens à l'est, les Kabyles et les Arabes de la colonie même, aussi les Nègres de l'Afrique intérieure, venant librement par la voie de terre, sont des auxiliaires assurés du capital. En ce moment Paris reçoit la visite des Touaregs, habitans du Grand-Désert, qui viennent offrir leur rôle d'intermédiaires entre l'Algérie et l'Afrique intérieure. C'est uniquement le capital qui manque à l'Algérie, et retarde la production des cotons. Il faut du capital pour le défrichement et la mise en valeur des terres, surtout pour l'irrigation, condition de succès à peu près indispensable en Algérie. Dans ce pays toutes les pluies tombent l'hiver, et en très grande abondance; mais l'eau est perdue pour les cultures d'été, telles que le coton, si on ne la met en réserve au moyen de barrages et de canaux, dont la construction exige des avances d'argent que l'Algérie n'est pas assez riche pour faire. Des transports à bon marché sont également nécessaires, et les routes ne sont pas encore satisfaisantes; mais elles améliorent de jour en jour, et en ce moment même un chemin de fer d'Alger à Blida s'exécute; il sera bientôt suivi de celui d'Oran à Alger, qui traversera justement sur plus de cent lieues de pays, les plaines les plus favorables au coton. D'après M. Duval, toutes ces circonstances devaient inviter l'Angleterre à tourner les yeux vers l'Algérie; elle l'a déjà fait, et une compagnie cotonnière qui s'était récemment formée à Manchester, avait obtenu 25,000 hectares dans la plaine de l'Hobra: tous les journaux de France et d'Algérie ont retenti des 25 millions de francs qu'elle devait répandre sur ce pays; et voilà qu'aujourd'hui l'on annonce qu'elle se dissout avant d'avoir rien commencé! On aurait

reculé devant le sacrifice préalable d'une somme de 90,000 livres sterling! S'il agit de frais de voyages et autres déboursés faites par les agents de la compagnie, c'est une affaire toute particulière dont M. Duval n'a rien à dire; mais si la demande provient de négociateurs et intermédiaires, qui réclament cette somme pour prix de leurs bons offices, et comme représentant la valeur de leur apport, il ne craint pas d'affirmer que c'est une prétention sans fondement; et il doit démentir, pour l'honneur de son pays, l'idée que pourrait faire naître une telle prétention, que les concessions algériennes ne peuvent s'obtenir qu'en payant des tributs secrets à ceux qui en disposent. Membre du Conseil général d'Oran, et concessionnaire lui-même, il peut attester qu'il n'y a d'autres charges à subir que celles qui sont stipulées dans le contrat de concession: tout intermédiare qui entend se faire payer des services secrets spécule sur l'ignorance de ses commettans. Ainsi, dès aujourd'hui les terres de l'Hobra, comme toutes autres terres vacantes, peuvent être obtenues en s'adressant directement au gouvernement général de l'Algérie, sans recourir à des entremetteurs officieux mais peu désintéressés. M. Duval recommande ces informations à la bienveillance de l'assemblée, en vue de l'intérêt de l'Angleterre elle-même, qui trouverait en Algérie, à des conditions honorables, l'occasion de grandes et fructueuses entreprises, surtout pour le COTON.

CANADA.

Mr. HURLBERT contributed an account of the climate, population, and productions of Canada, or British America. The great lakes and river St. Lawrence cover an area of 100,000 square miles, and contain half the fresh water of the globe. The trade on these waters was estimated at 1,000,000,000 dollars in 1861. Mr. Hurlbert showed the influence of this vast body of water in ameliorating the extremes both of summer and winter. The comparative freedom of Canada from frosts in summer and early autumn, the absence of severe droughts, and the uniform distribution of rain, made it one of the most propitious climates on the continent of America. With regard to population, Mr. Hurlbert observed that no instance (the Jews in Egypt perhaps excepted) showed so remarkable a natural increase in population as the French in Lower Canada. In 1790 it was estimated at 130,000, and had attained in 1800, by natural increase alone, to 169,000; in 1810, to 220,000; in 1820, to 286,000; in 1830, to 370,000; in 1840, to 481,000; in 1861, to 880,607, or at the rate of 30 per cent. for each ten years from 1790 to 1840, or 270 per cent. in fifty years, and 80 per cent. from 1840 to 1861. In France, the increase of people between 1801 and 1851, was from 27,349.000 to 35,781,628, or a little over 26 per cent. In Great Britain and Ireland, the population rose from 16,002,646 in 1801, to 29,238,209 in 1851, an increase of 86 per cent.; while, in Canada, the natural increase of the French population was 270 per cent. during the same period of fifty years! During the last nine years Upper Canada has increased in population 46 per cent.; the number of acres under cultivation has augmented to 63½ per cent; wheat has increased 103½ per cent., and other grains 115 per cent.; and flax, 105½ per cent. Lower Canada increased 25 per cent. in population, 29¾ per cent. in the number of acres brought under cultivation; decreased 16 per cent. in the production of wheat, but increased 93¾ per cent. in other grains, and

5·70 per cent. in the growth of flax. In all Canada, the increase in population from 1852 to 1861 (nine years) was 36 per cent.; increase in the number of acres under cultivation, 46¾ per cent.; in wheat, 79 per cent.; in other grains, 106¾ per cent.; in flax, 97·2 per cent.; in all grains, 95 per cent., or at the rate of 105½ per cent. for ten years. There the grains of Northern Europe yield more abundantly than in any of the states south of it. By the side of these are the sub-tropical plants and fruits of Southern Europe, maturing readily in the open air. In Western Europe, Indian corn will not ripen north of lat. 47°, two degrees south of Paris. In British America, it matures as high as lat. 54°. The spring and early summer are cool, and thus favourable for the growth of the European grains; the summer and early autumn are hot enough to mature the plants and fruits of tropical and semi-tropical origin. The superficial area of British America, with the islands upon the coasts, and including the lakes and Hudson's Bay, is 4,562,293 square miles, and that of the United States and territories, 3,230,572 square miles; of Europe, 3,667,246; and of all North America, 7,300,000. Thus the British possessions in North America are 1,331,721 square miles greater than the United States, 895,047 greater than Europe, and 912,293 square miles more than the half of North America!

Mr. Hurlbert showed that the advance in the production of wheat in Upper Canada was very great, the quantity coming very little short of quadrupling itself in nine years. The average yield of wheat in the counties, is from 16 to 20, and, in several townships, from 20 to 26$\frac{49}{60}$ bushels per acre; of pears, 17¼; and of Indian corn, about 25 bushels. It is not uncommon to gather from an acre 30 to 40 bushels of wheat, and 50 to 70, and even 80, bushels of Indian corn.

CHINESE CUSTOMS.

On Dr. Macgowan's paper, on the Foreign Inspectorship of Chinese Customs, printed at page 855, the following discussion took place:—

Sir Rutherford Alcock said, that the great evil of the system which existed previous to the present arrangement was, that a merchant could not be honest and thrive. That system could not have continued, as the Chinese authorities, in consequence of the destruction of the revenue by corruption and smuggling, would have prohibited the exportation of produce from the interior, and trade would have been stopped. Matters were brought to a crisis when he was consul at Shanghai in 1854, by the outrageous proceedings of a body of rioters; and he proposed to the Chinese authorities, that they should vest the collection of the revenue in a commission, consisting of an Englishman, a Frenchman, and an American; that the Chinese authorities should pay the commissioners, and that the foreign powers should guarantee their honesty. This he proposed as a provisional arrangement, to meet exceptional circumstances, and it worked well. It was evident, however, that the arrangement must be abandoned at Shanghai, or extended to all the other ports, as at Shanghai, where the revenue was collected, the merchants would not be able to compete with those ports where revenue was not collected. Lord Elgin therefore proposed that the arrangement should be extended to the whole of the ports, to which the Chinese authorities assented, and a European inspector-general, Mr. Lay, was appointed to organize the collection of the revenue at all the ports. The officers under him were Europeans and Americans,

with the exception of the tide-waiters, who were Chinese. The Chinese government were very well satisfied with the system, as they received an amount of revenue which they were never able to collect before. His view was, however, that such an arrangement should be but temporary, and that some system should, if possible, be devised by which the revenue should be collected by the Chinese themselves. In answer to a question on the subject of education in the Chinese language, Sir R. Alcock said that government were incurring considerable expense in promoting such education. The Foreign Office had formed an establishment of student interpreters, at £200 a-year each, with the prospect of employment in our consular establishments; and government did so at the risk of the students not being ultimately available. At Hong Kong, the Bishop of Victoria had founded an establishment for the instruction of Chinese in the English language. But the merchants had a prejudice against the acquisition of the Chinese language, as they were of opinion that a man did better by not knowing the language, and by conferring the transacting of his business on *compradores*, and there was no doubt the merchants would be able to get a knowledge of the language for themselves when they thought it desirable to do so.

Dr. MACGOWAN, in answer to a question, said that, under the treaty of Tientsin, no foreigners were now allowed to go into the country without a consular passport, a most desirable provision, by which improper characters were excluded, and the residents protected.

BELLIGERENT RIGHTS.

On Friday, June 6th, the Department met in the evening at Burlington House, to consider the question of Belligerent Rights: Dr. Travers Twiss, Q.C., in the chair. The President, having stated the question, introduced M. Garnier Pagès, who spoke as follows:—

L'air pur de la liberté que je respire avec bonheur sur le sol hospitalier de la Grande Bretagne me ravit et me trouble. Mais votre accueil bienveillant me rassure, et je vais essayer, après les éminents orateurs et ecrivains anglais de dire aussi quelques mots sur l'une des questions les plus importantes des temps modernes—la liberté maritime pendant la guerre. Le monde marche; la civilisation progresse; l'humanité se rapproche de son but; l'esprit soumet la matière; tout se transforme sous le souffle vivifiant de la liberté et de la justice. La guerre seule conservera-t-elle immuablement son caractère absolu d'extermination; l'extermination par le fer, le feu, le sac, le pillage, le viol, le carnage, la famine, l'incendie et la mort? Non! celà ne se peut: au fur et à mésure que la lumière se fait, la guerre doit être appelée à subir des modifications successives, jusqu' à ce que ce terrible fléau ait disparu du globe. L'histoire nous a laissé les horribles descriptions des guerres dans les temps anciens. L'âme fremit d'épouvante à ces recits de nations vaincues, transportées, dispersées, reduites à l'esclavage, ou massacrées, disparaissant du sol, ne laissant d'autre souvenir de leur passage sur cette terre que les décombres des villes rasées. Dans les temps modernes on trouve parfois les mêmes égorgements, les mêmes destructions de cité. Mais pourtant une nuance de transformation apparait; l'esclavage s'est changé en servage. L'opinion publique commence à se faire jour, et à imposer certaines règles. Le Palatinat condamné à la devastation, souille la mémoire de Louis XIV. et de Louvois! Peu à peu les antécédents, les usages sont recueillis par des auteurs émérites; une espèce de code de la guerre et de la paix s'etablit parmi les peuples. Il est appelé le droit des gens. Dans ce droit des gens il y a le droit des belligérants et le droit des neutres. La guerre étant déclarée sur de bons motifs ou de mauvais prétextes, le droit des gens autorise à envahir le territoire ennemi, à passer sur les campagnes et sur les villes comme un torrent de feu, et à exterminer tout ce qui résiste. Il en résulte ceci: que de deux peuples attaqués et vaincus, le plus lâche, celui qui se défend le moins est le plus ménagé; et que le plus brave, celui qui sait mourir pour la patrie, est le plus écrasé. Une ville honteusement se rend; elle est sauvée: une ville courageusement se défend;

elle est passée au fil de l'épée : voilà la morale de la guerre ! Mais dans ce droit sauvage et barbare il est admis qu'une cité, un pays peut être réduit par la famine. On a donné un nom à ce mode d'anéantissement—le blocus ! il y a le blocus terrestre et le blocus maritime. Le blocus terrestre permet ceci : dans une ville assiégée les defenseurs, pour prolonger une résistance utile au salut du pays, se trouvent dans la cruelle nécessité d'expulser les bouches inutiles, c'est-à-dire les faibles, les vieillards, les femmes, et les enfants, les infirmes, ils s'en croient le droit et le devoir : les assiégéants se croient aussi le droit et le devoir de les empêcher de sortir ; et alors une population proscrite des deux côtés, placée entre deux feux contraires dans les fosses de la ville, expire de misère, de froid et de faim, holocauste atroce, qui lègue aux combattants pour vengeance le Typhus. Le cœur de tout homme de bien ne se révolte-t-il pas contre un tel moyen de guerre ? Le fer et le feu ne sont-ils donc pas des armes suffisantes qu' il faille y ajouter la famine ? Si la guerre et le blocus terrestre présentent de tels tableaux, la guerre et le blocus maritime en offrent de plus sombres encore, et de plus funestes au vainqueur lui-même. Deux flottes ennemies se combattent, les canons tonnent, les boulets pleuvent, les morts et les blessés tombent bravement, les vaisseaux éclatent et s'écroulent dans des vastes abîmes. Dans cette lutte, il y a le spectacle grandiose, sublime, du dévouement à la patrie. Mais à côté on voit des navires déguisant leur pavillon, armés tenebreusement, cachant dans leur sein des bandes d'hommes déterminés, guettant leur proie se précipiter tout-à-coup sur des vaisseaux marchands, qui transportent les fruits de la terre ou du travail, les saisir, les piller, massacrant l'équipage : en temps de paix on les appelle pirates, en temps de guerre corsaires. Autre tableau ! deux peuples ont ensemble des rapports de commerce, productifs et fructueux pour tous deux. Ils s'envoient réciproquement leurs navires chargés richement de marchandises. Leurs gouvernements tout-à-coup se déclarent la guerre ; que se passe-t-il alors ? ou ces gouvernements séquestrent ces navires alliés devenus ennemis, et les vendent mutuellement à leur profit, au détriment des commerçants des deux nations ; ou ils accordent un délai, pendant lequel les marchandises sont déchargés et mises dans les magasins des acheteurs ou des dépositaires. Le délai passé, chaque peuple par sa flotte s'empresse de bombarder les magasins, et d' y brûler les marchandises de ses acheteurs ou dépositaires. La scène est au comble quand les deux flottes ont tout détruit, et fait des deux côtés les acheteurs insolvables : c'est un mutuel service qu'elles rendent à leurs nationaux. Ce n'est pas tout ; on établit le blocus maritime : c'est d'abord la défense imposée par une nation à ses acheteurs, sous peine de confiscation, de venir acheter ses propres produits, et à ses vendeurs de lui fournir les produits dont elle a besoin. Examinons comme exemple ce qui se passe chez un grand peuple ami ; que font les deux grandes fractions de ce peuple en lutte l'une contre l'autre ? Elles établissent le blocus terrestre et le blocus maritime. Delà cette conséquence funeste pour toutes deux : l'une est privée de blés et autres produits indispensables ; l'autre est privée de coton et du tabac, perte réciproque sans compensation ! Une conséquence plus triste encore ; tout commerce est interdit avec les neutres, et la fraction du sud pousse l'égarement de la passion jusqu' à préferer brûler ses cotons plûtot que de les vendre à l'Europe. Qu'espère-t-elle par cette politique insensée ? (quel que soit son droit que je ne veux pas discuter !) contraindre l'Europe à la soutenir dans sa lutte, et à la reconnaître ? Mais ne voit-elle pas premièrement qu' elle se suicide, en forçant la puissante et intelligente Angleterre à decupler ses productions de coton dans les Indes, et la France à le chercher sur le sol fertile de ses possessions algériennes ? l'impulsion donnée ne s'arrètera plus ; et tôt ou tard la fraction du sud regrettera amèrement d'avoir détourné la source de ses richesses. Ensuite ne voit-elle pas que dans son dessein de forcer les peuples de l'Europe à la reconnaître, il y a un obstacle insurmontable—l'esclavage ! l'esclavage ! ce sacrilège, ce crime de lèse-humanité. Tandis qu'elle cherche à briser les liens qui l'inserrent, ne sait-elle donc pas, qu'elle retient elle-même dans ses propres chaines toute une race ? Elle se présente devant l'Europe avec une tache de sang au front ; qu'elle efface cette tache de Cain ; qu'elle délivre et elle sera délivrée ! Mais le jour où elle aura guéri cette plaie honteuse, qui la fera mourir si elle ne la cauterise, elle n'aura plus aucun motif pour se séparer du grand peuple, dont elle est un des membres les plus actifs. Il n'y aura donc de repos et de paix pour elle qu' après s'être racheté ;

ses douleurs actuelles sont l'expiation. Elle ne peut esperer de sympathies de l'Europe qu'après s'être purifiée. Jamais l'Europe ne se fera la complice de sa faute originelle—l'esclavage! Mais détournons les regards de ces tristes exemples, et poursuivons la démonstration des fatales conséquences du blocus maritime rélativement au droit des neutres. Ce droit des neutres est si obscur, que dernièrement deux grandes nations ont été sur le point de se déchirer, pour une interprétation différente donnée à un incident provenant du fait d' un seul individu! Chaque partie pour bien defixer son droit, a été obligée de conseiller ses avocats; et les avocats comme de coutume ont donné raison à leurs nationaux. Tous les auteurs, tous les antécédents, ont été examinés, scrutés; et la question s'obscurcissait chaque jour de plus en plus; les vaisseaux s'armaient, les millions se depensaient: heureusement les hommes d' état distingués, qui président aux destinées de ces deux grands peuples, ont résolu la question par le fait, et l'ouragan prêt à se déchainer s'est appaisé. Le droit des gens, le droit des neutres doivent donc être modifié, transformé. Il y a une lumière plus vraie que celle puisée dans les meilleurs et les plus savans ecrivains; c'est la lumière qui vient de Dieu, et qui descend dans la conscience. Cette lumière a éclairé les gouvernements anglais et français, lorsque, pendant la guerre de Crimée, ils ont respecté la ville commerciale d'Odessa. Cette lumière a éclairé les peuples qui refusent l'entrée de leurs ports aux corsaires, et les repoussent comme des pestifères. Le Congrès de Paris a fait un premier pas dans la voie de la régénération; il faut y marcher plus hardiment. Ce qu' une Association aussi éminente que la vôtre est appelée à réclamer, c'est la liberté maritime pendant la guerre: vous avez posé la question, il faut qu'elle soit résolue. Il faut resserrer le fléau dans des limites de plus en plus étroites. Que désormais les proprietés particulières sur terre et sur mer soient respectées par les parties belligérantes! que le commerce ne soit jamais interrompu! Au temps de l'Empire, Bonaparte voulut répondre au blocus maritime par le blocus continental. A quoi ont abouti ces deux blocus monstres? L'Angleterre a été surchargée de vingt-six milliards de francs de dettes, et Bonaparte est mort à Saint-Helène. Que le blocus soit à toujours banni et flétri par les peuples comme un suicide! Que la crainte de laisser passer les armes de guerre ne soit pas un argument à une nation qui sait mourir! les armes ne manquent jamais pour se défendre. Laissez les produits de la terre et du travail circuler paisiblement pendant la guerre la plus intense! Les nations les plus intéressées à adopter ce nouveau code de l'humanité, ce sont celles qui, comme la vôtre, créent et commercent le plus. N'est-ce pas assez que de laisser les canons répondre aux canons; les armées aux armées? ou plutôt transformons les budgets de la guerre en budgets pacifiques! N'est-il pas déplorable qu'on perde tant de milliards à solder les moyens de destruction, quand on donne si peu aux moyens de production? Que les peuples se réussissent, se concentrent, se federalisent! que des arbitrages, des représentants des nations résolvent les difficultés avant, et non pas après le massacre! Voilà les vœux que je forme au milieu d' un grand peuple, qui comprend toutes les grandes idées: qu'à toute la liberté qu'il pratique et qu'il enseigne au monde, il ajoute une liberté nouvelle—une liberté maritime pendant la guerre, et il sera béni de Dieu!

Some discussion took place upon the speech of M. Garnier Pagès, in the course of which the President gave an account of the proceedings of the Paris Congress with regard to privateering, and the refusal of the United States of America to agree to the convention for its abolition which all the states of Europe were willing to subscribe, except on condition that the nations of Europe abolished war on private commerce altogether, the cases of blockade and contraband excepted. When this new proposition on the part of the American government was made, the Congress had separated; and, before England and France could have adopted it, it would have been necessary to refer to the other powers who had taken part in the Congress, and so nothing was done. Dr. Twiss did not deal with the policy of the proposition.

Mr. BARUCHSON of Liverpool said he attended on the part of the Chamber of Commerce of that town, to state that they were in favour of the proposition that private property should be considered sacred in time of war.

Mr. RAHUSEN of Amsterdam advocated the definition of articles contraband of war, and was supported by Sir Fitzroy Kelly in a proposal for international legislation on the subject.

DISCUSSION ON CONTRABAND OF WAR.

The Department met on the evening of June 10th, at 3, Waterloo Place, Pall-Mall, to discuss the question of Contraband of War, Dr. TRAVERS TWISS, Q.C., in the chair.

Mr. RAHUSEN of Amsterdam opened the discussion, by considering the subject under four heads.

Why is the transport of contraband illegal? Mr. Rahusen noticed the denial by some philosophers, that war justifies any interference with the transport of merchandise by neutrals; but maintained that the duty of neutrality excludes material assistance to a belligerent as well as active co-operation with him.

What is contraband? He then noticed the distinction which is drawn between active and passive contraband; the former being the case of goods conveyed by the neutral to the belligerent; the latter, that of the belligerent being suffered by the neutral to purchase the goods in his territory, which thus becomes a magazine. He considered that in principle both were illegal, but in practice it was impossible to apply a remedy to passive contraband by means of prize courts, though, if carried too far, it might endanger the neutrality of the nation permitting it. Then, as to active contraband, the Anglo-American list of prohibited articles was always long, and had been enlarged; while the French writers maintained that those articles only can be prohibited which are directly applicable to a warlike use. In his opinion, the French doctrine ought to be accepted from practical necessity; if possible service in the construction of warlike implements was allowed to give the character of contraband, there was nothing in the world which might not be prohibited; even desks and tables might be used in building a man-of-war. It must also be proved that the articles alleged to be contraband were intended by the neutral to come into the hands of the belligerent, and be used by him in the war; and it was of the utmost importance that the burden of this proof should lie on the captor, though it might be satisfied by strong presumption or moral certainty.

What are the principal rules in force on the subject? First, the port of destination must be hostile. It had been decided, however, in prize courts, that when one bay contained hostile as well as neutral ports, any destination within its limits must, on the question of contraband, be considered hostile, on account of the ease with which a ship ostensibly bound for one of the neutral ports might run into a hostile one instead. But these decisions were wrong in principle, though they might be consistent with practice. Secondly, an unlawful shipment is purged by changing the destination, before capture, from a hostile to a neutral port; and the capture after such change is bad. Thirdly, the capture is also bad if the port of destination has ceased to be hostile before it takes place, even though the change in the character of the port be unknown both to the captors and the captured. This case, as well as the former one, depends on the principle, that a hostile destination at the moment of capture is necessary to the offence. There might also be other rules limiting the extreme belligerent right.

What is the punishment? In the middle ages the captain and crew were punished capitally as criminals; afterwards, the punishment was confined to the confiscation of the contraband goods; and, in the case of goods capable of pacific as well as warlike use, even this had sometimes been thought too severe, and

pre-emption by the captors, at a deduction of ten per cent. from the invoice value, had been decreed.

Mr. Rahusen concluded by expressing a desire for an authoritative settlement of all questions relating to contraband by means of a congress; but, failing that, it was well to act on public opinion, which might get in advance of the law, and the law would in time follow it.

Mr. Westlake said, there were two modes in which the conduct of a neutral might influence the fate of a war; one was by rendering personal assistance to a belligerent, the other by rendering material assistance. Each might be distinguished into several stages or degrees. Thus, if two ships were engaged in actual combat, and a neutral ship acted as a tender to one of them; or if two armies were in the field, and the troops of a neutral state acted as a body of reserve to one of them; that was personal assistance, the same in kind as if the ships or troops of the neutral were themselves placed in the line of battle. An example might be found in the Austrian occupation of the Danubian principalities, by which the troops of the allies were rendered available for service against Russia elsewhere. But if the neutral merely furnished a belligerent with cannon or ammunition, that was material assistance; and so also it was if he supplied him with stores and munitions not immediately applicable to a warlike use. For, even in the latter case, the labour and capital of the belligerent were economized by the supply of articles which they must otherwise have been employed in producing: his means of producing articles of immediate warlike use were consequently augmented, and he thus received an increase of power for the prosecution of the war no less real than in the former case, though it might be smaller in amount: while, neither in the former case nor in the latter, did the neutral increase the warlike power of the belligerent otherwise than by husbanding his capital and labour. Thus we might proceed, step by step, from manual participation in the war, to that indirect assistance which a belligerent derives from neutral commerce of the most seemingly pacific character, supplying for him that ordinary consumption which cannot in any nation remain unprovided for, and which, if not provided for thus, would divert his resources from warlike preparations and operations: and the only point of the scale at which any line could be drawn in principle, was the transition from personal to material assistance. It was sometimes said that a neutral, who furnished the implements of war, did not trade during war as in time of peace. But even this plea for the rules of contraband was unavailing; for the implements of war, both manufactured and as raw material, were the subjects of an extensive trade in time of peace; while, on the other hand, the rules of contraband did not strike at the establishment during war of a trade in many articles not previously supplied by that neutral to that belligerent, but by the supply of which, from that quarter, the resources of the belligerent might be greatly augmented. Mr. Westlake agreed with Mr. Rahusen as to the sweeping extent of the principles of contraband, if those principles were admitted at all: it was as to their admissibility that he differed. He agreed also in accepting the French limitations throughout, as affording an escape from consequences impracticable, though theoretically true: it being useless at present to advocate the total abolition of contraband, he would stop short with the French, because they stopped the first in a path he entirely disapproved of.

Mr. Westlake then read part of a letter from Mr. W. B. Lawrence, one of the corresponding members of the Association, dated May 23rd, 1862, in which, after regretting that engagements had prevented him from offering a paper for the present year, Mr. Lawrence proceeded as follows:—"My object would not have been to contend for any particular definition of contraband, but for its entire abrogation, as justifying search or seizure. Though it may not be strictly correct to say, that destination to an enemy's port is always necessary to constitute contraband of war, it is difficult to imagine, in the present state of the world, that the belligerents derive any essential benefit from the right to capture contraband, which is not afforded them by the laws of siege and blockade. On the other hand, the continuance of the rule renders in a great degree nugatory the immunity of neutrals from search, which the principle 'free ships make free goods' was intended to afford. Once on board for a legitimate purpose, it is, moreover, difficult to regulate the abuse of the belligerent right."

Mr. Westlake agreed in the desire thus expressed by Mr. Lawrence, but not in all his reasoning in support of it. The opinion that, where you have a destination to a hostile port, you may get under the law of blockade all that the law of contraband can give you, even regarded theoretically, assumed the right of blockade by cruisers, as the only mode applicable to the blockade of all the coasts of a nation. And, in practice, the existing blockade of the Confederate coast by the Northern United States, though perhaps as efficient as the blockade of a very extensive seaboard could be expected to be, served only to suppress the regular pacific commerce, with which no rules maintained by any government on the subject of contraband avowedly interfered; while warlike weapons, which present great value in small bulk, and therefore hold out peculiar temptation to hazardous ventures, were continually introduced into the Confederate States from Bahama in spite of the blockade. But the very notion that the laws of blockade and contraband could, as it were, overlap, shewed to what a pitch of interference with neutral commerce we might be carried, by following out logically certain commonly received principles on either of those subjects.

Nor were recent events of a nature to assure us that humanity could be relied on for restraining governments within limits which were confessed to be arbitrary. In the Russian war, the British government gave no definition of contraband, but left its determination to the prize court, which was to invite lawyers to exercise their ingenuity in extending its definition by analogical reasoning: if we were to have contraband of circumstance, it would be better that the responsibility of determining the criminal circumstances should rest nakedly with governments, as the responsibility would then be more real. Next, there was the American blockade, which, in its inception at least, had surpassed in looseness the former precedents of blockade by cruisers, though more adequate fleets had since been provided for its enforcement. Then the Trent case, in which Messrs. Mason and Slidell had been given up on the ground of the ship not having been brought in for adjudication, without any disclaimer of the extreme principles which would have been involved in the mere arrest of the ship. And all these instances had taken place in short wars, or in the beginnings of wars, when men's passions were less excited than they would necessarily become during such a struggle as the great war with France at the commencement of the century. On the whole, Mr. Westlake did not see in the temper of the times any ground for believing that, if we had a long war, the rules against neutral commerce would not be carried to a greater length than had hitherto been known; and it was therefore desirable to lose no opportunity of urging that the practice with regard to contraband was not justifiable on principle, in order that no attempt might be tolerated to extend existing restrictions in farther pursuance of reasoning which was itself faulty.

The discussion was continued by M. Garnier-Pagès, M. Desmarest, Mr. Wendt, and Mr. Rochfort Clarke; but was turned into a wider channel, in which the law of blockade, and the expediency of a European congress, and of the establishment of arbitration, were considered.

Dr. Twiss, in winding up the discussion, observed that, although it may be correct to regard the modifications which the laws of war have undergone as advances in the direction of truth, we should not be justified in regarding the established usages of war as based altogether upon error. Many of the existing usages of war were steps in advance toward a better order of things. Thus the existing law of contraband of war, as received amongst the nations of Europe, was in restraint of the earlier practice of belligerents, who claimed to exclude neutrals from all commerce with the enemy. In the sixteenth century, we find the Dutch prohibiting by proclamation all commerce with the Spaniards, with whom they were at war; at last a reaction commenced, and in the seventeenth century nations began to enter into conventions for limiting the articles prohibited to neutrals to convey to the enemy. The treaty of the Pyrenees, in 1659, was the first great treaty in which it was attempted to settle a catalogue of articles which should be regarded as contraband of war. There was no objection in practice to regulating contraband of war by conventions, as it was a question not between belligerents themselves, but between belligerents and neutrals, and conventions with neutrals were equally binding on nations in time of war as in

time of peace. The division of articles into those which were of direct use to the enemy, and those which were of doubtful use, was important. No goods were *per se* contraband of war; they only acquired such a character by reason of their destination to an enemy's country; and belligerents were clearly justified in prohibiting neutrals from furnishing their enemy with supplies of arms and ammunition. Such a commerce was clearly not consistent with perfect neutrality, and it was not to be expected that belligerents would ever waive their right of confiscating such supplies. With regard, however, to articles of doubtful use, their treatment was defended, partly upon the consideration whether they were the natural products of the country from which they were exported, partly upon their destination to a port of naval armament. The former circumstance gave to the general trade an innocent character, whilst the latter gave to the particular enterprise an unfriendly character; but the tendency had been, in the case of such a trade, to substitute the right of pre-emption for confiscation. This had been a matter of convention with Great Britain and the Baltic powers, in regard to pitch and tar, and logs of timber. This seemed to be a reasonable advance towards a more merciful practice; another step had been made by Courts of Prize not confiscating the ship as well as the cargo, unless they both belonged to the same owner. This was the practice of the British courts, and it was consistent with justice that an innocent owner of a ship should not share the punishment of a guilty owner of a cargo. Another mitigation had been introduced by convention, namely, that if the master of a merchant ship, upon being detained by a belligerent cruiser, made a declaration of such portions of his cargo as were contraband of war, and surrendered them up, his vessel might be allowed to continue her voyage without being carried into port for adjudication. This was one of the provisions of the treaty of Utrecht, between France and Great Britain, and it seemed to be an unobjectionable modification of the general law. In regard to a proposal which had been advanced by a distinguished diplomatist of the United States of America, that the commerce of neutrals should be relieved from the restraints which the practice as to contraband of war imposed upon it, and that belligerents should exercise the right of blockade alone in restraint of neutral commerce, this would practically operate more severely against neutrals than the present law; for it would virtually operate to prohibit to neutral merchants all trade with the enemy, whereas at present they were only subject to limitations in their trade. It was not so much by attempting to abolish rights, as by endeavouring to modify the exercise of rights, that the friends of humanity might hope to make improvements in the practice of belligerent nations in regard to neutral commerce. If it was generally provided in treaties of commerce that the milder rules above alluded to should be observed, it would probably be discovered that they had worked no real disadvantage to the belligerent; or that, if they did work some direct disadvantage, it was compensated by indirect advantages; and as the experience of one nation afforded light to another nation, we might hope to see in the course of time a convention or declaration, on the part of the European powers, on the subject of contraband of war, analogous to the declaration of Paris in 1856 in regard to other belligerent rights, either modifying their exercise or reducing it to greater precision.

GENERAL AVERAGE.

THE Committee on General Average, which was appointed after the Glasgow Meeting of the Association, addressed themselves, in accordance with the ninth Glasgow resolution on the subject, to the task of preparing a bill to be introduced into the British parliament, and which, if there passed, might be made the basis of projects to be submitted to the legislatures of other countries.

The severe illness of the draftsman whose services they at first obtained, and who, on his recovery, was incapacitated by other engagements from proceeding with the work, together with the difficulty and delay which they experienced in procuring a competent person to take it up, prevented the committee from completing the bill until the spring of 1862. They then printed it, not as unanimously assenting to its clauses, but by way of a basis for discussion at the London meeting; and caused it to be sent, together with a circular, dated April 25th, 1862, inviting attendance at that meeting, to the foreign commercial bodies which had been represented at the Glasgow congress on the subject. To the British commercial bodies which had been similarly represented, the bill, and the intention of discussing it in London, were also communicated in due time, though not in all cases with the same formality; in the case of many of those bodies who had joined in the original invitation to the Glasgow congress, and whose delegates had served on the committee there appointed, such formality would have been superfluous. In this manner, though it had become impossible to give the commercial bodies the six months for deliberation, for which a desire had been expressed at Glasgow, yet sufficient time was in fact given to consider the bill previous to the London meeting, as is proved by the following letter from the secretary of Lloyd's, the last body which received formal notice :—

LLOYD'S (E.C.), *5th June*, 1862.*

SIR,

I have received and laid before the Committee for managing the affairs of Lloyd's your letter of the 30th May, stating that a discussion is to be held in the Trade and International Law Department of the National Association for the Promotion of Social Science, on the amendment of the law of "General Average," and inviting some representatives of the Committee to attend the meeting; also enclosing a copy of the bill and documents relating to the subject.

I am directed to inform you in reply, that the Committee, having looked over the heads of the bill, and given the subject full consideration, are so totally opposed to the several clauses contained in the bill in question, that they are of opinion that no good could arise from any discussion on their part, and they therefore do not think it advisable to send a representative from their body to the meeting.

At the same time, they request me to assure you it is their earnest wish at all times to co-operate with parties interested in this question, when they see any opportunity of doing so with advantage to the very important interests at stake.

I am, Sir,

Your obedient servant,

GEO. A. HALSTED, *Secretary.*

G. W. HASTINGS, ESQ.,
Honorary Secretary, National Association
for the Promotion of Social Science.

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* This letter took the officers of the Association completely by surprise; as, not many days before its receipt, Mr. J. A. W. Harper, who was understood to represent Lloyd's, called at the office of the Association, and intimated his intention of being present at the meeting. Mr. Harper was, immediately after, compelled to leave England on pressing business, and it is much to be regretted that a misunderstanding consequently arose.

The following is a list of the delegates on General Average who attended the London meeting :—

DELEGATES.

Amsterdam	Netherlands' Trading Company Shipowners' Committee	E. N. RAHUSEN.
"	Underwriters' Association	J. WERTHEIM.
Antwerp	Chamber of Commerce	TH. C. ENGELS.
	Underwriters' Association	E. VAN PEBORGH.
Boston, U.S.	Board of Trade	J. RUSSELL BRADFORD.
	Underwriters' Association	
Copenhagen	Chamber of Commerce	SEVERIN GRAM.
"	Underwriters' Association	ED. THUNE. J. J. SUENSON.
Edinburgh	Chamber of Commerce	R. M. SMITH.
Liverpool	Shipowners' Association	W. J. LAMPORT.
"	Underwriters' Association	P. H. RATHBONE.
Rotterdam	Underwriters' Association	L. C. DRIEBECK.

OTHER MEMBERS ATTENDING THE MEETINGS.

Liverpool	L. R. BAILY	Average Stater.
"	R. LOWNDES	"
London	T. BROUN	Barrister.
"	C. LEATHLEY	Underwriter.
"	P. O'HARA	Barrister.
"	W. RICHARDS	Average Stater.
"	ERST EMIL WENDT	Merchant.

The above delegates, together with some of the members of the Committee on General Average appointed at Glasgow, formed themselves into a preparatory committee, for the purpose of examining the bill in detail, which commenced its sittings on June 4th, and elected Mr. Wendt as its chairman.

On Friday, June 6th, the Department of Trade and International Law took up the subject, and Mr. Hastings, after stating what had been done since the Glasgow Congress, laid the bill before the department whose province it was to modify or adopt its particular clauses. If any amendment should be suggested, the Council would adopt it, and submit the bill, so amended, to the House of Commons during the then current session. After Mr. Wendt had reported how far the preparatory committee had proceeded with the examination of the bill, some discussion followed on the 57th clause, the adoption of which was moved by Mr. Baily; but several of the foreign delegates objecting to a continuance of the discussion in the absence of a representative of Lloyd's, as unlikely to lead to a practical result, no vote was taken on Mr. Baily's motion; and it was resolved instead, on the motion of Mr. Rathbone, that a letter, of which the draft was read and approved, should be addressed by the president of the department to the committee of Lloyd's, with the view of inducing them to attend by delegates on Monday, June 9th, to which day the farther consideration

of the subject was adjourned, leaving in the meanwhile time for the preparatory committee to finish its labours and report thereon to the Congress.

On Monday, June 9th, the President stated to the Department the communications which, in pursuance of its resolution of the 6th, had taken place between him and the secretary of Lloyd's: it resulted from them that the committee of Lloyd's would not meet before Wednesday the 11th, when the President's letters would be laid before it. It was resolved, on the motion of Mr. Wendt, seconded by Mr. Rahusen, "That the President of this section be authorized to communicate to the chairman of Lloyd's a copy of the proceedings of the Preparatory Committee on General Average; and that the meeting adjourn the farther consideration of the subject until Thursday, in order to await a resolution of the committee of Lloyd's, or their sending delegates for the future consideration of the subject." The President thereupon sent the following letter to the chairman of Lloyd's, together with the report mentioned in it:—

9th June, 1862.

SIR,

I have been authorized, as President of the Department of Trade and International Law, to transmit to you the first Report of the Committee on General Average, as laid before me as President of the Department, with the result of their early deliberations. You will perceive that the provisions of the draft bill have been submitted by them to a severe examination, and that they have only approved forty out of one hundred and twenty-six sections, whilst they have voted twenty-nine sections as questionable, and referred back twenty-two sections for amendment, having absolutely rejected thirty sections. I have laid before the Department the letters which I have received from the Secretary of your Committee; and in consequence of the impossibility, as expressed by the Secretary, of laying the communication, made by me on behalf of the Department, before the Committee until their meeting on Wednesday next, the Department has adjourned the farther consideration of the question until Thursday next, in the confident hope that your Committee will delegate one or more of its members either to discuss the question before the Department, or to confer, if they prefer it, with the Committee on General Average, whose names you will find inscribed to their report. From the discussions which have already taken place, I am enabled to assure your Committee, that it is the earnest wish of the foreign members of this Association who are interested in the question of General Average, to act if possible in co-operation with Lloyd's, and that they desire very much to be favoured with their assistance upon many branches of the subject, in which their great experience is calculated to have great influence upon the decisions of the Committee.

I am, Sir, &c.,

TRAVERS TWISS.

On the 11th, the secretary of Lloyd's, by direction of his Committee, addressed to the President of the Department a long letter, in which, after narrating the part which Lloyd's had taken in the previous labours of the Association on General Average, he stated that the Committee "respectfully declined taking part" in the discussions then pending; "but, on receiving from the Congress the result of their present discussions, would be ready to give their best attention to it."

On Thursday, June 12th, the President having read the last-

mentioned letter to the Department, it was agreed that the discussion of the subject by the Department should not be farther continued; but that the preparatory committee should try to complete its review of the bill, or at all events proceed with the same so far as the time of the foreign delegates—who had come over for this particular purpose—would permit them to do.

The delegates accordingly assembled at the office of Mr. Wendt, 15, Fenchurch-buildings, Fenchurch-street, for the purpose of completing their labours; but it was found impossible to do so, owing to the unavoidable departure of some of their body. The bill, so far as completed, was placed in the hands of the General Secretary of the Association, and it is hoped that it may be published in a separate form, with the valuable papers contributed on the subject.

In the mean time, in order that the question might not be allowed to drop, the majority of the Foreign, and some of the English delegates resolved, at a meeting held at Mr. Wendt's office, and under his presidency, on the 13th of June last, to form themselves into a Committee, on the following basis:—

Resolved unanimously,

1. That in consequence of the misconceptions which have taken place since the Glasgow Meeting of the National Association for the Promotion of Social Science, with regard to the General Average question, another mode of proceeding on this very important question be adopted.
2. That, for the purpose of attaining this object, a Committee be formed in order to decide upon and bring into shape a bill, or series of resolutions, having for object the establishing one uniform system of General Average throughout the mercantile world.
3. That, in the opinion of this Meeting, this object will be best attained if no steps be taken in this matter without the sanction of such Committee.
4. That this Committee consist of the following Members:—

ERNST EMIL WENDT, ESQ., *Chairman of the Committee.*

RICHARD LOWNDES, *Secretary.*

LAURENCE R. BAILY, ESQ., Liverpool.
J. RUSSELL BRADFORD, ESQ., Boston.
L. C. DRIEBECK, ESQ., Rotterdam.
THEODORE C. ENGELS, ESQ., Antwerp.
S. GRAM, ESQ., Copenhagen.
G. W. HASTINGS, ESQ.
WILLIAM J. LAMPORT, ESQ., Liverpool.
EDOUARD VAN PEBORGH, ESQ., Antwerp.
E. N. RAHUSEN, ESQ., Amsterdam.
P. H. RATHBONE, ESQ., Liverpool.
R. M. SMITH, ESQ., Edinburgh.
J. J. SUENSON, ESQ., Copenhagen.
EDWARD THUNE, ESQ., „
J. WERTHEIM, ESQ., Amsterdam.
JOHN WESTLAKE, ESQ.

This Committee is proceeding with its task; it has prepared and printed a report for the purpose of ascertaining how far the views of its Foreign and English members are in harmony with each other; and it has been constituted a Committee of the Association, in order that the future exertions for the establishment of a uniform International General Average, may be carried on under the auspices which guided the origin of the movement.

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